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PUBLICATIONS  
OF THE  
NEBRASKA STATE HISTORICAL  
SOCIETY

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VOLUME XVIII







CLARENCE SUMNER PAINE

Secretary Nebraska State Historical Society, 1907-1916



745  
PUBLICATIONS

OF THE

111  
Nebraska State Historical Society

VOLUME XVIII



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Edited by  
**ALBERT WATKINS**

Historian of the Society

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LINCOLN, NEBRASKA  
The Nebraska State Historical Society  
1917

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OFFICE OF NEBRASKA STATE HISTORICAL SOCIETY,  
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LINCOLN, June 1, 1917.

*To the Honorable Keith Neville,  
Governor of Nebraska.*

Sir:

In accordance with the statute we have the honor to herewith submit our report of the proceedings of the Nebraska State Historical Society for the period ending January 10, 1917.

SAMUEL C. BASSETT, *President.*

ADDISON E. SHELDON, *Secretary.*

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## IN MEMORIAM—CLARENCE S. PAINE.

BY JOHN L. WEBSTER, PRESIDENT OF THE SOCIETY.

The Nebraska State Historical Society pays its tribute to the memory of Clarence Sumner Paine, who has been its very efficient secretary and chief executive officer for ten years.

Mr. Paine, who was born in Eden Prairie, Minnesota, June 11, 1867, and died at Lincoln, Nebraska, June 14, 1916, possessed many excellent qualifications for the office which he so well administered. He was deeply interested in every event of any significance in the history of the state, and it was his great desire that all records appertaining to it should be collected, arranged and preserved among the collections of the Society.

He assisted in tracing the important trails of travelers, explorers, and emigrants; and it was one of the desires of his life that each of these should be marked at convenient distances by monuments which should remain to future generations as evidence of these historic pathways.

He was active in having the memorial erected in front of the college at Bellevue in memory of the early Astorian expedition up the Missouri River. He took a lively interest in the working out of all the details and until the final completion of the ceremonies.

His alert interest in his adopted state prompted him to make an early suggestion that the semicentennial of its admission into the Union should be properly celebrated. It is our regret, as we know it was his, that he did not live to see this demonstration of our pride in Nebraska's history carried to its final culmination.

Clarence Sumner Paine had the qualities of an investigator, and wherever he could find any relic, any document or any record that would explain or add to the value of any historic incident in our history he was restless until it could be obtained and deposited in the museum or among the archives of the Society.

If his life had been longer spared it would have been his greatest pleasure, indeed I might add, the pride of his life, to have seen the valuable collections belonging to the Society housed in a new, commodious building, which would be a

credit to the state to which he devoted so many years of his life.

Mr. Paine had an extensive acquaintance with the people of Nebraska and loved to mingle with them and converse with them about all local incidents that might prove of historic value. He had also established a close friendship with the men throughout the Mississippi valley who were engaged in the professional work of writing western history. These associations gave him peculiar and unusual advantages, which increased his usefulness to the Nebraska State Historical Society.

He was always ready to extend or to receive a welcome hand, and to greet with a smile that evidenced the warmth that sprang from his heart. He was a man of generous and kind impulses. At times he may have seemed quick and impulsive in temperament, but no man was more willing or prompt than he to correct a mistake or to confess an error.

Much more might be said in commendation, but certainly nothing less could be said and do justice to the manly qualities and useful life of Clarence Sumner Paine.

## PREFACE.

The last preface to publications of the Nebraska Historical Society written by the present secretary was that of Volume II Nebraska Constitutional Conventions, published in 1909.

The present volume contains an abstract of the business transactions of the Historical Society at its annual meetings from 1909 to 1916, inclusive, and in the sessions of its executive board from January 13, 1908, to January 10, 1917. The major part of this abstract was compiled by President S. C. Bassett and Historian Albert Watkins, during the winter of 1917, from the detailed record as found in the Society's archives. The abstract is designed to give all important business transactions of the Society.

In addition to the record of business, the volume contains a number of important historical papers.

A full page portrait of Clarence Sumner Paine, former superintendent and secretary of the Society, is appropriately made the frontispiece of this volume. Mr. Paine's administration as secretary covered a period of almost ten years—from January, 1907, to June, 1916. Most of the official record of Mr. Paine's administration is contained in this volume.

Many events and controversies which cannot be here discussed have occurred in the history of the Nebraska State Historical Society during the past ten years. One only seems to call for specific mention. Ten years ago the first appropriation toward the construction of a building for a permanent home for the Historical Society was made by the Nebraska legislature, with the understanding that the building was to be located adjoining the State University campus. The close of the decade finds



the original idea of such a building at the State University adopted with the unanimous approval of the Historical Society, expressed by its executive board and by its members at the annual meeting. May this early dream of the founders of the state and of the Historical Society fifty years ago be realized during the next decade is the fervent hope of all.

The editorial work upon this volume has been done by Mr. Watkins, who has given painstaking diligence to the verification of its data.

ADDISON E. SHELDON,  
*Superintendent and Secretary.*

MAY 30, 1917.



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## OFFICERS OF THE SOCIETY, 1917.

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PROCEEDINGS  
NEBRASKA STATE HISTORICAL SOCIETY.

THIRTY-FIRST ANNUAL MEETING.<sup>1</sup>

The first session of the thirty-first annual meeting was held in the Temple Theatre at half-past seven o'clock in the evening, President George L. Miller in the chair. President Miller in presenting the first speaker said:

*Ladies and Gentlemen:* It gives me great pleasure to meet you. I give you cordial greeting. You did not come here to hear an address from me but I want to thank Mr. Bryan in advance for his presence here tonight. This illustrious citizen of our country when he speaks to the American people always has a hearing. Here in his home city, of which he is the pride and to which he does so much honor, I need not say more than that it gives me great pleasure and the greatest gratification now to present to you the Hon. William Jennings Bryan, who will address you on the subject of "History," of which he himself has made a great deal within the past few years, whether he mentions it or not. (Applause.)

MR. BRYAN. I appreciate the generous words of my old friend, Dr. Miller. There are a great many ways of winning distinction. I was in Congress at one time, for a short period, and during that period I had occasion to attend a meeting where, before the meeting began, a man

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<sup>1</sup> The minutes of the thirty-first annual meeting appear in Proceedings and Collections Nebraska State Historical Society, series 2, volume X (volume XV of publications), page 281.—Ed.

## 2 NEBRASKA STATE HISTORICAL SOCIETY

sold photographs of John L. Sullivan. He announced to the mortification of several congressmen present that he was selling the picture of the "best known man in the world." (Laughter.) That was one way of gaining notoriety. There are other ways.

If you have a member of this Society whose duty it is to make a record of unimportant facts, there is one unimportant fact that can be recorded in connection with myself, and that is, that I have made more speeches without preparation than any other man who ever spoke in Nebraska. I do not mean to say that this is a matter to be proud of, but history, to be impartial, states many facts that are not eulogistic. I am afraid that one of the things known of me will be that I have been importuned to accept more invitations to make speeches than I could possibly prepare myself to make with credit either to the subject or to myself.

But my reason for being here is not that I think I can add anything of material value to your deliberations, but it is because I wanted to manifest, in the only way I could, my deep interest in the purposes of this Society and in the subjects with which it has to deal.

History is of vital importance to those who follow us. I believe it was Wendell Phillips who said that "the people make history, and the scholars write it"—part true and part colored by their prejudices. It is one of the duties of this association to make a record of important events at the time when there is full knowledge in regard to those events; and I am glad that at your meetings you have papers presented by different persons dealing with events and with persons who were important enough to have made their impress upon the time in which they lived. For instance, tonight you are to have a paper upon the life of a really important citizen of Ne-

braska; and you have chosen one who is able to do justice to the subject, for Mr. Metcalfe has not only the ability to present the facts in connection with the life of Mr. Kitchen, but he is preëminently the man to speak of him because of his close personal acquaintance with him and because of his deep admiration for the high character of the man. It is fortunate that from time to time you are thus able to put into lasting form some history of the lives of the people who are making Nebraska what it is.

Some one has said that history is but a record of the lives of great men. That was said some time ago. If a person were to express himself upon that subject today he would include women as well as men; for in this day and age woman is exerting a larger influence and filling a larger place than formerly in the making of history. To present from time to time the lives of men and women who are rendering a large service to this state, to the nation and to the world, is a part of the work of this Historical Society. But there is another thing that this Society can well do, and that is to take up the various ideas that have either originated in Nebraska or have been developed in Nebraska, and trace the growth of those ideas.

For instance, a few months ago I visited Beatrice in order to take part in an anniversary there, which was a celebration of a government entry or location of the first land under the homestead act. Unless you have already done so, it would be a matter of very great interest for some one to take up the idea of the homestead, and find out where it originated, who first suggested it, how long did it take for the idea to take root. Then, tracing the growth of the idea, show how many homesteads have been entered; show whether other nations have adopted the thought that first came into existence



here, if it did originate here; or, if it originated elsewhere, trace the source that we may know to what country and to what person the credit for it belongs.

In going from Constantinople to Vienna about a year and a half ago, or a little more, I stopped off at Belgrade. I went to the hotel, but did not find anyone there, except the clerk, who could speak English. When I went into breakfast I sat at the table alone, the others near me not being able to speak the only language with which I am familiar. While I was at the table, however, a man came and took a seat near me. I asked him if he could speak English and he replied in English. I found out that he had been a cabinet minister in an adjoining country, and in the course of the conversation at the table he told me that as minister he had introduced into his country the homestead law that he had found written among the statutes of the United States.

It interested me to find that in southeastern Europe, among a people with whom we are not familiar, who speak an entirely different language, there had been introduced this beneficent idea. And this man spoke with pride of the fact that he had been able to carry to his country the blessings of a great thought that had been advanced by some one to the United States. To take up an idea like that and trace it back to its source for the benefit of future historians, is a part of the work of this Society.

I mention this idea because it was brought to my attention only recently. Let me suggest another. I do not know of any one thing that I have advocated since I have been in politics or interested in public affairs that has spread as rapidly as the idea which is known as the guaranty of deposits. It is not my idea. It was suggested to me thirteen or fourteen years ago, and I can speak of

it, therefore, without any egotism, or without laying myself open to the charge of presenting my own thought.

You remember that in this city a while ago we had a bank failure; not one but several. It was after that bank failure that some one who had suffered by it came to me and suggested that there ought to be some way to protect depositors of banks. He called my attention to the fact that there had been much suffering and that people who had trusted the bank, as naturally people do trust banks, had in some cases lost their all.

I embodied this idea in a bill and presented it in Congress but I could not get a report from the committee on it. It was a new idea and was not acceptable to those who were influential in controlling the action of the committee. I came back to Nebraska and introduced a guaranty bill, or had it introduced, in our state legislature, hoping that in this state we might secure the benefit of it even if it could not be secured in the nation. But again the influences against it were so strong that it did not become a law in the state. The people at that time had not had the experience that was necessary.

Now that idea is a growing one. It has already been put into operation in the state of Oklahoma. On the seventeenth day of next month the banking system of that new state of Oklahoma becomes a guaranteed banking system, and the banking board is empowered to collect a tax of one per cent. from all the state banks and such national banks as desire to avail themselves of the privilege of joining the system. And then the banking board is authorized to assess without a limit, so that assets of all the banks are put behind every bank and therefore there can be no failure that will result in a loss to depositors.

But that is not all. This idea has now been intro-

duced into the legislature of Illinois which is in session, and it has been introduced in the legislature of Ohio, which is also in session. The governor of Kansas has called a special session of the legislature, and the main thing to be considered is the securing of bank deposits. The governor of Texas is urged to call a special session of the legislature of that state for the express purpose of giving this security to depositors of banks. The legislature of Kentucky is in session, and that body will have this subject under consideration. The governor of Rhode Island has suggested it in his message. The state of Mississippi has a legislature in session, and there the subject will be presented. The legislature of the state of Louisiana meets, and there the subject will be presented. Not only that, but in Congress a number of bills have already been offered having this end in view. One was offered the other day by Senator Culbertson, of Texas, the leader of the minority in the senate; and a bill proposed by the chairman of the committee on currency in the house embodies this idea of securing of deposits.

I speak of this to show you how rapidly this idea has spread. I do not know that the idea originated in Nebraska. I know it did not originate with me, for, as I have stated, I received it by suggestion from some one else. Lately I have noticed in the newspapers that the idea was suggested earlier by Mr. Mosher, who was connected with one of the banks that failed and unfortunately connected with it. If this idea spreads, as it seems likely to spread, if as a result of the development of this thought the banks of all the states and the banks of the nation take up this system of guaranteeing deposits so that when a man puts his money in a bank it is as safe as if he invested in a government bond—if this idea spreads until the whole country secures the benefit of it,



I think it will be worth while to find out who really was the originator of the thought.

I mention these as only two ideas. You will think of others that have developed, partly at least, through the influence of our state.

As I understand it, the duty of the Historical Society is the gathering of materials that will show the origin and the growth or development of those things that are of value connected with the state and nation: this, I say, is one of the duties; but it is also important that we shall have, as you will have tonight, a record of the lives of those who have largely impressed their generation.

But there is another thought that I desire to leave with you, and in attempting to leave more than one I may violate one of the rules of public speaking. Some one has laid it down as a rule that a speech ought to contain just one idea and that with one thought or idea presented the speech ought to end. But I do not know when I will have another chance to speak to you, and I am not willing to let this chance pass without presenting another thought.

You are interested in a public building that shall be the home of your Society. I am interested in that also. I am very anxious that this Society shall succeed in securing a site for a public building, and I desire to offer a word of caution. A proper building must include the future as well as the present, and I have great hopes in the future of Nebraska. Your building should be a building in keeping with the state's promise, with the state's future, and I trust you will not be content to locate your building on any small piece of ground. The building ought to be upon a piece of ground that will be suitable for such a building as we ought to have for this Society.

I pledge any assistance I can in the securing, first, of a suitable site and, second, of a suitable appropriation to give Nebraska such a building as Nebraska's history will deserve.

Just one other suggestion—and it is only a suggestion; I would like to see this building not only sufficient in size for the future needs of such a building, but I would like to see this building perpetuate some great monument in history. I would like to see this building patterned after some building that will enable those who visit Lincoln to obtain, in viewing it, something of the advantages that those have who are able to visit the buildings of the old world. For instance, if we could take the plan of the Parthenon and reduce it in size to suit our needs. To present such a building here would be, to all who visited this city, a reminder of the best that ancient Greece produced. Or, if it was preferred, we might take the Taj Mahal as a model and present here a building that would not only lend itself to the accomplishment of our purpose, but would also present what many have regarded as the highest perfection that architecture has yet attained to. We ought to have, in the first place, ample ground, well situated, and on the ground that we do obtain we ought to have a building that will reflect credit upon this state's past, this state's present and this state's future. (Applause.)<sup>1</sup>

PRESIDENT MILLER. There is another gentleman I wish to present to you this evening, one of our own citizens in whom more than the people of Lincoln have a proprietary interest. He is an author; he is a writer; he is a man of wide range of intellect, and profoundly great in

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<sup>1</sup> This impromptu speech was edited from the stenographic report.—ED.

his rich experience of sympathy for his fellow-men, Richard L. Metcalfe, who will now address you upon *The Life and Character of the late James B. Kitchen.*

MR. METCALFE. Manifestly kind words are of no service to those who have solved "the secret of nature." But when on occasions like this we undertake to do simple justice to a friend we render service to society, not alone by giving emphasis to the value of good deeds, but by "being to one's virtues ever kind and to one's fault a little blind"—a form of consideration all too seldom observed in our flesh-and-blood intercourse with one another.

I am aware that obituary tributes have largely fallen into disrepute because of the exaggeration employed; and I know that there are instances where costly floral wreaths are laid upon the tombs of men by those who, during all the lifetime of their neighbor, never thought to ease the burden of his life, never thought to give a word of cheer or scatter above the thorns in his pathway the forget-me-nots of the angels, those "little nameless acts of kindness and love" that have been called "the best remembered portion of a good man's life." If while our neighbor is struggling with his burden, which is in most cases heavier than we suspect, we would show him one tenth the consideration we do in public in the presence of his bier, this would be a merrier world.

It is as idle to tell an untruth about anyone, and in the discharge of the task assigned me it would be particularly out of place, for the reason that James Butler Kitchen detested shams: and the vigor with which he cultivated this form of aversion led many of his neighbors to misunderstand him. For the benefit of the state of which he was a good citizen, it is proper that some of the facts concerning his active career be recorded in the ar-



chives of this Society; and in justice to history it is well that one important fact connected with his death and burial be given to the world, thus correcting what I conceive to have been a serious, although I must say a dutiful, mistake made by some of his faithful friends.

In a supplemental paper to be filed with your secretary I have given some of the details of Mr. Kitchen's career. At this time it is sufficient to say that the Kitchens are of English ancestry; that the parents of James B. Kitchen were Virginians who, in 1829, located at Manchester, St. Louis county, Missouri, where, on May 25, 1832, Mr. Kitchen was born; and that he first located in Omaha in 1878.

Mr. Kitchen was devoted to his political principles, yet he was tolerant of the views of others. He was not a popular man as the term is commonly understood, yet those who were able to peer beneath the mask found readily a kind-hearted man, who perhaps often misunderstood himself even as he was misunderstood by the world. His opportunities for study during the earlier years were evidently not large, but later in life he became a great reader. It may be that in the education by men he overlooked the lessons which nature so bountifully provides. Where his books may have led him to doubt, the heavens might have led him to truth; where he was mystified by the efforts of philosophers who strained themselves to justify the infinite purpose with the human point of view, he might have been enlightened by the love light of the little child — faith in love, faith in men, faith in God. Whatever the cause, it is true that he built up out of his own mind a straw man which he labeled "Christianity," and toward this he directed his criticism. Full of this doctrine he prepared, prior to his last illness, a statement of his views. He left instructions that this statement

was to be read at his funeral and charged a personal friend with the duty of reading it. The people of Nebraska are, I think, quite familiar with that document. It was a studied declaration of hoplessness, so far as concerns the existence of a creator or a future for man. It is not my purpose to quarrel with the views expressed in the document read at Mr. Kitchen's bier. However much my own mind rejects a particular doctrine, I respect the opinions of my fellows. In my view society is not entirely blameless for the unbelief of the infidel and the doubt of the agnostic. And I do know that the most conspicuous of infidels and agnostics have proved themselves to be true lovers of mankind, while some of the loudest professors of religion have shown themselves to be merciless oppressors of the poor. But I am able to deal with the statement that was read at Mr. Kitchen's bier in a way quite different from that of controversy. While it is true that that statement represented Mr. Kitchen's views at the time it was written, and while it is true that the statement was read by a friend in compliance with a promise, I do assert — acquitting everyone connected with the funeral ceremonies of everything but a desire to discharge his duty — I do assert, and upon the testimony of the men and women who knelt at Mr. Kitchen's bedside at the moment he closed his earthly accounts (among these witnesses being Miss Lulu Ruble, a niece, and Mr. Ralph Kitchen, a nephew), that that document of doubt and unbelief did not represent his latest views. Against that dismal note I place the dying statement of my friend. As the shadows began to fall about his couch of death he gave, so distinctly and so deliberately that it burned into the memory of those who heard it, even as it served as sweet assurance to a good wife's faith, this fine contribution to the music of the world: "Christ our Savior —

and that is all there is!" Against the three-column essay read at the funeral bier I place this telling sentence uttered on the couch of death. By authority of this fact I assert that Mr. Kitchen died in full recognition of the one great truth that is too often hid from wise men but is revealed unto babes.

Some of us are not ashamed to confess that we have learned more from the faith of the children who know than we have from the rhetoric of the men who guess.

Glad of the opportunity of paying proper tribute to my friend, a man who did not find in life the real happiness that was his due, I am grateful that in discharging the task assigned to me tonight it is my privilege to carry to Nebraskans this message full of love and peace; to substitute in the record of a good man's life and for a note of black despair the sweet, harmonious music of a simple faith, voiced in the declaration made at the threshold of eternity: "Christ our Saviour — and that is all there is!"

This Society's opportunity for service is not limited to the collection of historical data or the distribution of honors among pioneers who have passed away. It is its privilege, as it is, indeed, the privilege of all societies and all individuals, to cultivate among men a disposition to be more considerate of one another. Doubtless the archives of this association contain extravagant eulogies of men who, during all their lives, were required to run the gauntlet of unfair criticism and who, misunderstood by the world, lived among great piles of weeds, only in dying to be buried beneath an avalanche of flowers.

I want my flowers now. Rather than a high eulogy, uttered when I am in the great hereafter, I would prefer the warm pressure of a hand while I am in the great now. Rather than a pile of costly wreaths laid upon a tomb con-



taining naught but dust, I would choose a single pansy, "purple with love's wound," or a clover blossom plucked by gentle hands and given with loving smile and grateful heart to living man.

My observation has been that as a rule men are much better than their credit marks among their generation show. There is no hero who deserves all the praises of his partial friend; there is no villain who is entitled to all the censure of his bitter foe. We are wont to boast of our love of justice; yet if we could know the injustice we often do our neighbor we would hang our heads in shame; and we would know if we demanded of him no more in the way of excellence than we ourselves are able to show.

We get out of the world just about what we put into it; and we find in men just about what we look for.

If we carry into the world the seeds of hatred and of greed, we will reap as we have sown. If in our intercourse with our fellows we carry a load of suspicion and are sour and surly, we find men suspicious, sour and surly.

But if we plant sunbeams in our world we will reap a harvest of light in our lives. If we go to meet our fellows with love and truth in our hearts, we will find truth and love coming to meet us more than half way.

Those of us who are not too dignified to be human may find inspiration, and upon this very point, in the literature of the children.

There is an allegory written for the little ones but serviceable to the grown folks:

Once upon a time a cave lived under the ground, as caves have the habit of doing. It had spent its lifetime in darkness. It heard a voice calling to it: "Come up into the light, come and see the sun shine."

The cave retorted: "I don't know what you mean; there isn't anything but darkness."

Finally the cave ventured forth and was surprised to see light everywhere.

Looking up to the sun the cave said: "Come with me and see the darkness."

The sun asked: "What is the darkness?"

The cave replied: "Come and see."

One day the sun accepted the invitation. As it entered the cave it said: "Now show me your darkness!"

But there was no darkness.

Mr. Jasper L. McBrien delivered an address from notes which were never prepared for publication. Then Absalom N. Yost of Omaha spoke as follows:

MR. YOST. As a pioneer and one who is interested in our Historical Society, I must say that I was very much interested in the remarks of our worthy state superintendent of public instruction, who has just left the platform. When he speaks of those boys and girls out west, I wish to say "I have seen the likes of that myself." I can vouch for the truth of what he has stated to you this evening, because I have seen those things with my own eyes. I had the pleasure, a pleasure I may call it, of being a director in one of those western schools for some seventeen years of my life, and I have had considerable experience with those western schools. I feel proud of it today.

And I feel glad tonight to know that I am spared to look upon so many old pioneers and those who are members of the Historical Society. Membership costs only two dollars a year, and the Society is a very social affair and also a relic-gathering affair. Every member of this association should make it a point to present to this association some old relic of the past. I hold in my hand something that I am now going to present to the Society



through its president and secretary. It is a small, solid gold locket containing the pictures of a couple of our old pioneers.

Mr. J. W. Richardson was the first representative we had from Dodge county.<sup>1</sup> I was a member of the colony that came to Dodge county fifty-four years ago. We came in July and August to Dodge county. Fontanelle was the first county seat. This man Richardson was one of the colony. He came from Quincy, Illinois. My people came from Iowa. I came to Dodge county with the rest of them, riding on a five-year-old steer, driving an ox-wagon. We started in 1853, but arrived in 1854. It seems but a short time ago, and I think I am able to ride an ox yet. (Laughter.)

Mr. Richardson was one of the organizers of this territory. He was elected to the legislature of the territory of Nebraska on the twelfth of December, 1854. He came to Omaha and helped organize the territory of Nebraska. Mrs. Richardson was the first postmistress appointed in the territory of Nebraska. She served at Fontanelle for many years as postmistress. Her husband did not live many years. He was our first county judge and was a man of a great deal of ability. After his death, Mrs. Richardson married a Mr. Kitchen who came out here with them. He was killed by his team running away. They never raised any children. When Mrs. Richardson died, it was her will that this locket should be sent to Adelia Campbell, a daughter of Mr. Campbell, whom you all remember. Mr. Campbell was deputy United States marshal under C. E. Yost, now president of the Nebraska Telephone Company at Omaha. Mr. Campbell was

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<sup>1</sup> Dodge county was represented by three members of the first legislative assembly—Munson H. Clark in the Council and Eli R. Doyle and J. W. Richardson in the House of Representatives.—Ed.

Mr. Yost's deputy United States marshal in the state up to the day he died. This locket was sent to his daughter in California. Last summer I got a telephone message from her brother in Omaha, saying that she wanted to see me. The brother was a conductor on the Union Pacific railroad. I went to see her and found she had consumption. She was not able to get out of doors and she came back to die. She realized her condition but took everything as being for the best. She said, "Ab Yost, I want to present you with this locket. I want you to put it where it will be most appreciated."

This evening, on behalf of Mrs. Campbell, I present it to this Society, through its president and secretary.

I thank you. (Applause.)

At the second session of the meeting, January 14, 1908, two papers were presented. The Last Battle of the Pawnee with the Sioux, by William Z. Taylor,<sup>1</sup> and The Part of Iowa Men in the Organization of Nebraska, by Judge Horace E Deemer, of Iowa.<sup>2</sup>

#### REGULAR MEETING OF THE BOARD OF DIRECTORS.

A regular meeting of the board of directors of the Nebraska State Historical Society was held at the office of the Society, in Lincoln, January 13, 1908.

Present, Dr. George L. Miller, president, Professor H. W. Caldwell, S. L. Geisthardt, Robert Harvey, and the secretary.

The meeting was called to order by the president.

Minutes of the previous meeting were read and approved.

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<sup>1</sup> Mr. Taylor's paper is printed in Collections of the Nebraska State Historical Society, volume XVI.

<sup>2</sup> Judge Deemer's paper is printed in The Annals of Iowa, series III, volume IX, number 3.

Report of the secretary for the year was presented, approved and ordered placed on file.<sup>1</sup>

The treasurer's report for the year, together with books of accounts, receipt stubs, bank book and vouchers, was presented by Mr. Geisthardt, and, on motion, referred to Mr. Robert Harvey, who was appointed a special committee to audit the same.<sup>2</sup>

A communication from W. E. Hardy, president of the Lincoln Commercial Club, with reference to the appointment of a committee to coöperate with the Commercial Club in securing a building site was, on motion of Mr. Geisthardt, referred to the new board.

The request from Mr. Robert Harvey for a duplicate set of the Congressional Globe, owned by the Society, to be given to the Howard County Historical Society, in return for such duplicate material as it might have to exchange, was referred to the library committee and the secretary, with power to act.

The proposed amendments to the constitution<sup>3</sup> were submitted to the board by the secretary, and were, on motion, ordered presented to the annual meeting of the Society with the approval of the board. There being no further business to come before the board, adjournment was taken sine die.

CLARENCE S. PAINE, *Secretary*.

Approved January 13, 1908.

#### SPECIAL MEETING OF THE BOARD OF DIRECTORS.

A special meeting of the board of directors was held

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<sup>1</sup> The secretary's report appears in Proceedings and Collections of the Nebraska State Historical Society, series 2, volume X (volume XV of publications), page 288.

<sup>2</sup> Ibid, 310.

<sup>3</sup> Proceedings and Collections of the Nebraska State Historical Society, series 2, volume X (volume XV of publications) page 287.



at the office of the Society, in Lincoln, January 15, 1908.

Present, Dr. George L. Miller, president, Professor H. W. Caldwell, S. L. Geisthardt, Robert Harvey, and the secretary.

The meeting was called to order by the president.

A communication was presented from Mr. W. E. Hardy, president of the Lincoln Commercial Club, asking for the appointment of a committee of three to co-operate with similar committees from the Commercial Club and the city council, in securing a site for the proposed Historical Society building. Professor Caldwell moved that the president appoint such committee. Carried. The president appointed the secretary, Professor H. W. Caldwell, and C. F. Harpham.

A request from Mr. Harvey for the allowance of a part of his expenses on a proposed trip to Washington, on business of interest to the Society, was, on motion, referred to Mr. Harvey and the secretary.

The president announced the appointment of the following named committees.

Library — Miss Charlotte Templeton, Miss Edith Tobitt, Chancellor W. P. Aylsworth.

Museum — Ellis T. Hartley, Melvin R. Gilmore, Elmer E. Blackman.

Obituaries — Andrew J. Sawyer, Henry E. Palmer, Charles Wake.

Program — The secretary, the president, Professor Howard W. Caldwell.

Publication — The secretary, Addison E. Sheldon, Robert Harvey.

After some informal discussion the meeting was adjourned.

CLARENCE S. PAINE, *Secretary*.

Approved April 14, 1908.

## MEETING OF JOINT COMMITTEE.

The joint committee appointed by the Lincoln Commercial Club, the Nebraska State Historical Society, the Nebraska Territorial Pioneers Association, and the Lincoln City Council, to consider plans for providing a site for the proposed Historical Society building, was held at the Lincoln Commercial Club rooms, January 21, 1908.

Present, Thomas P. Kennard, Will Owen Jones, Charles W. Bryan, Dr. J. S. Leonhardt, B. A. George, Charles Wake, C. S. Paine, Professor H. W. Caldwell, C. F. Harpham, H. F. Bishop, and the city attorney, John M. Stewart.

The meeting was called to order by Thomas P. Kennard, who was elected chairman.

On motion of H. F. Bishop, C. S. Paine was elected secretary.

After an informal discussion the secretary, upon request, made a statement of the position of the executive board of the State Historical Society with reference to a building site.

Dr. J. S. Leonhardt moved, "That it is the sense of this committee that the proposed Historical Society building should be erected on the university campus." This motion was seconded by the secretary, and after a lengthy discussion the motion was withdrawn by Dr. Leonhardt, with the consent of the seconder.

Dr. Leonhardt then moved that "we tender to the Nebraska State Historical Society, in accordance with the act of the legislature known as H. R. 431, the N. 1/2 of block 29, known as Market Square, for the site of the proposed Historical Society building." This motion was not seconded.

Motion by B. A. George, seconded by C. F. Harpham,

that the chairman appoint a committee of five, to consist of one from each of the organizations represented, and the chairman of the general committee, for the purpose of examining available sites, securing prices thereon and making recommendations to the general committee. Carried.

The chairman appointed the committee as follows: W. O. Jones, H. F. Bishop, C. S. Paine, and B. A. George.

On motion of Mr. George, T. P. Kennard was made chairman of this sub-committee.

Professor H. W. Caldwell moved that it be recommended to the committee that they do not consider any site more than three blocks from the university campus. An amendment was offered by C. S. Paine to the effect that the committee be instructed to consider any available site within two blocks of the capitol, or within three blocks of the university campus. The amendment being accepted, the question was put upon the motion, as amended, and carried.

Motion by Professor Caldwell that it be recommended to the committee that they do not consider any site of less than half a block. Seconded by C. F. Harpham. Motion was lost.

Motion by H. F. Bishop that when the meeting of the general committee adjourn it be to meet at the call of the secretary. Carried.

Motion to adjourn. Carried.

CLARENCE S. PAINE, *Secretary*.

#### SECOND MEETING.

The second meeting of this joint committee was held at the rooms of the Lincoln Commercial Club, Wednesday, March 11, 1908. Present, H. F. Bishop, B. A. George, T. P. Kennard, C. W. Bryan, C. F. Harpham,



W. O. Jones, Dr. J. S. Leonhardt, Professor H. W. Caldwell, and C. S. Paine.

Meeting called to order by the chairman, Mr. Kennard.

The report of the executive committee as prepared for the city council was submitted by Mr. Kennard, and read by the secretary as follows.

*To the Mayor and City Council of the City of Lincoln:*

Some time ago the Nebraska State Historical Society, the Nebraska Territorial Pioneers Association and the Lincoln Commercial Club all appointed committees to act in conjunction with the committees appointed by the mayor and by the city council, the said committees to take such steps as in their judgment would secure a site, to be approved by the governor, for the location of the State Historical Society building.

All four committees met in joint session at the Commercial Club rooms, and after a full discussion of the subject an executive committee was appointed to secure propositions for sites for said Historical Society building.

In accordance with this arrangement, we beg to make the following report:

Proposition No. 1.

Block 27, lots 1, 2 and 3, with a possibility of getting lot 4 of Mr. Kimball, who has the matter of a proposition on lot 4 under consideration. Price, \$21,000.

Proposition No. 2.

Being the south half of the block on which is situated the university Temple. Nine houses on this half block, some of which are quite valuable. The price asked for this half block as it stands is \$56,000.

Proposition No. 3.

Same being lots 3, 4, 5 and 6 in block 37. This is quite a central location and comparatively cheap property for \$20,000. One house situated on said lots.

Proposition No. 4.

This is at the east corner of the capitol park, and comprises lots 4, 5, 6, 7, 8 and 9 fronting the capitol on the east, and being one half of block 124, one small house being on lot 9, and three houses on lots 4 and 5. Price for the whole half block, \$37,000.

## Proposition No. 5.

Being lots 1, 2, 3 and 4, subdivided, and fronting the capitol on the west. Price for same, \$31,000. Four houses situated on this ground.

We have made some effort to get propositions from the board of education for the east half of the high school block, but it seems so indefinite and uncertain that we have left this out of consideration at present, but it may be taken up later, either by the committee or by your honorable body.

This comprises the result of the work of the executive committee. It has taken much more time and work than the committee anticipated when entering upon its duty, because many of the owners of the property were nonresidents, and a great deal of correspondence has been necessary to get quotations on same, and put it in comparatively tangible shape.

T. P. KENNARD, *Chairman.*

This report was approved on motion of Dr. Leonhardt, seconded by Professor Caldwell.

Motion by H. F. Bishop, seconded by the secretary, to appoint a committee of five to present the report of the executive committee to the city council and secure early action by that body on the proposition to purchase for the Historical Society the site to be recommended by the committee.

Dr. Leonhardt moved as a substitute that the general committee resolve itself into a committee of the whole to report to the city council, through the chairman, and urge early action by that body. Seconded by Mr. George. After some discussion the substitute was withdrawn, and the motion of Mr. Bishop to appoint a committee of five was carried unanimously. The chairman appointed as such committee, Dr. J. S. Leonhardt, Will Owen Jones, H. F. Bishop, B. A. George and Charles W. Bryan.

The following resolution, presented by the secretary, was unanimously adopted.

*Resolved*, That it is the judgment of this committee that the site indicated as proposition 4, in the report of the execu-



tive committee, the same being lots 4, 5, 6, 7, 8 and 9, block No. 124, fronting capitol park on the east, offers the most available site for the proposed building of the State Historical Society, and that we therefore instruct the special committee, who are to go before the city council, that they use all honorable means to secure the adoption of this site, and its purchase by the city for the purpose named.

On motion, the committee adjourned to meet at the call of the chairman.

CLARENCE S. PAINE, *Secretary*.

#### REGULAR MEETING OF THE BOARD OF DIRECTORS.

A regular meeting was held at the rooms of the Society, April 14, 1908. Present, Dr. George L. Miller, president, Governor George L. Sheldon, Professor H. W. Caldwell, Lorin A. Varner, James E. North, and the secretary.

The meeting was called to order by the president and the minutes of the last meeting of the board were read and approved.

The report of the secretary for the first quarter of the year was submitted, accepted, and ordered placed on file.

At this point Dr. Miller spoke briefly with reference to the plan of establishing a permanent reserve, embracing the site of Fort Kearny, and the location there of a state military institute.

The following communication from George A. Berlinghof, with reference to the selection of an architect for the proposed Historical Society building was then presented.

*Honorable Members of the Board of Directors of the  
State Historical Society, Lincoln, Nebraska:*

The undersigned herewith submits the following proposal to your honorable board for your consideration, to wit:

Agrees to prepare and furnish as many tentative floor plans, elevations and sectional drawings for the entire and complete new Historical Building until the same meet with your approval, after which approval will prepare complete detail plans, including working drawings (drawn to a scale of  $\frac{1}{4}$ " to 1 ft.), all complete  $\frac{3}{4}$ " scale diagram and all full size detail drawings inclusive, separate plans, elevations, sections and diagrams showing the entire installation of the heating and ventilating system, the electric wiring, sanitary and sewage system, together with complete specifications for all of the different kinds of work entering into or that may be needed in the erection and construction of your entire and complete new Historical Building for the sum of  $3\frac{1}{2}\%$ , and will superintend the erection and construction of the building as customary to architects, for the sum of  $1\frac{1}{2}\%$ , making a total of  $5\%$  on the cost of the complete building, under the following conditions:

1. Will prepare and furnish detail plans and specifications for the entire building and prepare the same in such manner as to enable your honorable board to erect and construct your building from time to time in sections or wings.

2. Agrees to furnish three complete sets of detail plans and specifications of the entire building, also three complete sets of detail plans and specifications for the various wings, these to be filed with the secretary for future reference.

3. As a guaranty of of good faith, (assuring the faithful performance of my services as architect and superintendent and the safe and sound construction of the building), agree to leave the entire fee due me from time to time on the wing or section under construction in the possession of your honorable board until said wing and section has been completed and accepted.

4. As a further guaranty of good faith will furnish to your honorable board a good and valid surety company bond, in a sum later agreed upon, this also guaranteeing my services as architect and superintendent and the safe and sound construction of the building.

5. I will furnish a duplicate set of plans on tracing linen, and deposit the same with board for permanent use.

Respectfully submitted,

GEO. A. BERLINGHOF,

*Architect and Superintendent.*

Mr. Berlinghof was invited to appear before the board to speak upon the question.

Moved by the secretary that the president be author-

ized to appoint a building committee of three, with Mr. Geisthardt as chairman, to have prepared, and to submit, plans for the construction of the building, subject to the approval of the board. Seconded by Mr. North. After some discussion, it was moved by Mr. North to amend the motion so as to instruct the committee to select Mr. Berlinghof as architect. After the amendment was discussed it was withdrawn. The vote then recurring on the original motion, it carried unanimously. The president appointed as such building committee, S. L. Geisthardt, Professor H. W. Caldwell, and C. S. Paine.

Motion by Professor Caldwell that we now proceed to the election of an architect. Seconded by Governor Sheldon. Carried.

After various names had been suggested, the secretary placed in nomination George A. Berlinghof, the nomination being seconded by Mr. North. There being no other nominations, Mr. Berlinghof was unanimously elected.

The secretary then presented the following resolution and moved its adoption.

*Resolved*, That the secretary be directed to convey to Hon. Charles H. Morrill the thanks of this board for his active interest in the work of this Society, and especially for his valuable contributions to the museum of the Society.

Carried.

The following resolution presented by the secretary was adopted.

*Resolved*, That, in consideration of the valuable donation made to this Society by the late William B. Lambert and family, the following members of Mr. Lambert's family be elected life members of the Society, without payment of fee: Mrs. William B. Lambert, Schuyler C. Lambert, Mrs. Grace Lambert Spencer, all of Neligh, Nebr., and be it further

*Resolved*, That the thanks of this Society be conveyed to



Mrs. Lambert and the members of her family for this valuable collection of newspapers, books, maps, pamphlets, etc., and be it further

*Resolved*, That the secretary of this Society be directed to convey to Mrs. Lambert and her family a copy of these resolutions, and furnish the same to the press for publication.

On motion of the secretary the following resolution was adopted.

*Resolved*, That the secretary be directed to convey to Mr. T. A. Stratton the thanks of the Nebraska State Historical Society for the valuable collection of relics placed with this Society as a permanent loan.

The secretary presented the following resolution and moved its adoption.

I respectfully recommend that all of the newspaper collections of the Society and all the work in connection with such newspapers be placed under the direction of Mr. William E. Hannan, who has for the past year had practically entire control of this department of the work and has handled it in a manner highly creditable to himself and with profit to the Society.

Professor Caldwell objected to consideration of the resolution, and it was thereupon withdrawn.

The following resolution, presented by the secretary, was adopted.

WHEREAS, Believing that the best interests of the Nebraska State Historical Society demand, and that right business principles approve, that the responsibility for the expenditure of the finances of the Society should be centralized, therefore be it

*Resolved*, That no bills or expenses shall be contracted or incurred, or money expended by any head of department or member of the office staff, unless on or by the advice and approval of the secretary of the Society, or a majority vote of the board of directors of the Society.

*Resolved*, That it be declared to be the sense of this board that every proper effort should be made to induce the next Nebraska state legislature to create the office of state historian and place the same under the direction of the Nebraska State Historical Society.

Mr. North moved that there be appropriated out of

the funds of the Society and paid to the secretary the sum of \$500 in recognition of his services to the Society from April 1, 1907, to January 1, 1908. The motion was seconded by Mr. Varner and carried unanimously.

The following resolution, moved by the secretary and seconded by Mr. North, was adopted.

*Resolved*, That it is the sense of this board that whenever the city of Lincoln shall tender to the Nebraska State Historical Society the west half of block 124, Capitol Addition, the city of Lincoln, absolutely free of all incumbrances, that this board will then accept said one half block in lieu of block 29, or Market Square, as a site for the proposed Historical Society building, as provided in H. R. No. 431, legislature of 1907; and we further express our willingness to lease to the purchasers of the three houses at the corner of J and Sixteenth streets the two lots (lots 4 and 5, block 124) upon which they stand, for a term of five years at an annual rental of one dollar.

The secretary moved that the following named persons be elected to membership.

## ACTIVE.

Margaret Davis, Lincoln.	Daniel C. Heffernan, Hubbard.
Mrs. David Anderson, South Omaha.	William H. Harrison, Grand Island.
D. Webster Baker, Benedict.	Emmet H. McCreary, Omaha.
Victor B. Caldwell, Omaha.	Isaac Pollard, Nehawka.
Mrs. Mary Fitzgerald, Greenwood.	Ernest M. Pollard, Nehawka.
Carson Hildreth, Franklin.	Ernest H. Phelps, Lincoln.
Miss Stella B. Kirker, Lincoln.	Mrs. Winona S. Sawyer, Lincoln.
George L. Loomis, Fremont.	Orlando Tefft, Avoca.
Byron L. Morgan, Fremont.	Abraham L. Van Osdel, Mission Hill, South Dakota.
Herman E. Stein, Hastings.	Frederick M. Weitzel, Albion.
Mary H. Williams, Kenesaw.	Hiram O. Paine, Ainsworth.
Mrs. Minerva J. Beachley, Lincoln.	John Wright, Lincoln.
Silas L. Wright, Bethany.	Joseph T. Votova, Edholm.
Jerome D. Grimes, Chambers.	Harry A. Stone, Omaha.
Harry G. Shedd, Ashland.	Daniel M. Nettleton, Fairfield.
Charles R. Besse, Red Cloud.	Mrs. Anna Berlinghof, Lincoln.
George A. Berlinghof, Lincoln.	Adoniram J. Brown, Geneva.
John C. Byrnes, Columbus.	Andrew J. Durland, Norfolk.

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Alfred Blackbird, Macy.	Arthur C. Mayer, Grand
Willard A. Harrison, York.	Island.
Mrs. Annie Vio Gates, Auburn.	Charles F. Manderson, Omaha.

### CORRESPONDING.

William O. Hart, New Orleans, La.	Professor Clarence W. Alvord, Urbana, Ill.
Heman C. Smith, Lamoni, Ia.	Frank E. Stevens, Sycamore, Ill.
Merton J. Clay, Chicago, Ill.	Ill.

### HONORARY.

David M. Johnson, Otego, Kan.	Gen. Richard C. Drum,
William F. Cody, Cody Wyo.	Bethesda, Md.

Professor Caldwell moved that the secretary be instructed to cast the ballot of the members of the board present for the election to membership of those parties whose names had been presented. Seconded by Mr. North. Carried. The ballot was so cast.

Meeting declared adjourned by the president.

CLARENCE S. PAINE, *Secretary*.

Approved September 19, 1908.

### CALL FOR SPECIAL MEETING OF THE BOARD OF DIRECTORS.

LINCOLN, NEBRASKA, MAY 14, 1908.

There will be a special meeting of the board of directors of the Nebraska State Historical Society held at the rooms of the Society, Tuesday, May 19, at 1 P. M., for the purpose of considering the following business:

First, the formal acceptance of the building site tendered by the city of Lincoln.

Second, the leasing to J. E. Miller of a part of that site.

Third, the approval of a contract with the architect for the erection of a building on said site.

Fourth, the consideration of a communication from the director of field work.

Fifth, the consideration of a communication from Ezra Meeker, requesting the approval of H. R. 11, 722.



sixtieth Congress, first session, and such other related matters as may properly be considered under this call.

Yours very truly,

CLARENCE S. PAINE, *Secretary*.

SPECIAL MEETING OF THE BOARD OF DIRECTORS.

A special meeting of the board of directors was held at the rooms of the Society, May 19, 1908. Present, Dr. George L. Miller, president, Chancellor E. Benjamin Andrews, James E. North, Professor H. W. Caldwell, L. A. Varner, S. L. Geisthardt, and the secretary. Also Messrs. Charles W. Bryan, William A. Selleck and Walter L. Anderson.

Meeting called to order by the president.

The secretary presented a communication from the director of field work which on motion of Mr. Geisthardt, seconded by Mr. Varner, was referred to the secretary.

The secretary presented the following resolution, which was adopted, on motion of Chancellor Andrews, seconded by Mr. Geisthardt.

WHEREAS, There has been introduced in Congress a bill known as H. R. No. 11722, "authorizing the president to appoint a commissioner to supervise the erection of monuments and markers, and locate the general route of the Oregon Trail"; and

WHEREAS, This trail traversed the full length of Nebraska from east to west; and

WHEREAS, The evidences of this great national highway are rapidly being obliterated; therefore be it

*Resolved*, That we, the board of directors of the Nebraska State Historical Society, heartily approve of the plan to permanently mark this trail; and be it further

*Resolved*, That the secretary of this Society be directed to send a copy of these resolutions to each member of the Nebraska delegation in Congress, and urge their coöperation to secure the passage of H. R. No. 11722.

Charles W. Bryan and William A. Selleck, representing the Lincoln Commercial Club, upon behalf of the city of Lincoln, officially tendered the deeds and abstracts to lots 4, 5, 6, 7, 8, and 9, block 124, in the city of Lincoln, as a site for the proposed Historical Society building, as provided by H. R. No. 431.

After some discussion, Messrs. Bryan and Selleck agreed that the proceeds from the sale of the Cooper house should be applied to the unpaid paving taxes and pledged the influence of the Commercial Club to secure from the city council the appropriation of an amount sufficient to pay the balance of said taxes, with interest, assessed against lots 4, 5, 6, 7, 8, and 9, block 124.

Mr. Geisthardt then moved the adoption of the following resolutions:

WHEREAS, The city of Lincoln, in accordance with chapter 146 of the laws of 1907, has donated and conveyed to the Nebraska State Historical Society, lots four (4), five (5), six (6), seven (7), eight (8), and nine (9), of block one hundred twenty-four (124), in the city of Lincoln, for a site for a Historical Society Building; and

WHEREAS, In the opinion of this board, said site is suitable therefor, and acceptable to this board, and in value equal to or greater than all of block twenty-nine (29) in the city of Lincoln, and equally desirable with said block twenty-nine (29); therefore be it

*Resolved*, That this board accepts said site, and certifies that the same is suitable for the purposes intended and acceptable to this board.

*Resolved*, That the president and secretary of this board be, and they are hereby authorized to certify under oath to the auditor of public accounts the acceptance of said site by this board, and that the conditions named in said act have been complied with.

*Resolved further*, That the said officers certify to the governor of the state the acceptance by said board of said site, and that the same is suitable for the purposes provided in said act.



The motion to adopt being seconded by Chancellor Andrews, the resolutions were unanimously adopted.

The firm of Miller & Paine, of Lincoln, having advanced \$10,000 to complete the purchase price of said building site and having received from the original owner of lots 4 and 5 a bill of sale for the three houses occupying said lots, and it having been agreed to lease to said Miller & Paine said lots 4 and 5, block 124, city of Lincoln, for a term of five (5) years, the secretary presented the following lease to Miller & Paine:

This lease in duplicate, made by and between the Nebraska State Historical Society, hereinafter called the first party, and Miller & Paine, hereinafter called the second party, witnesseth:

That the first party, in consideration of the covenants of the second party hereinafter set forth, does hereby lease and demise to said second party the following described property in the city of Lincoln, county of Lancaster, and state of Nebraska, to wit: lots number four (4) and five (5) in block number one hundred and twenty-four (124), in the city of Lincoln according to the recorded plat.

To have and to hold the same to the said second party until the first day of June, 1913. The second party in consideration of the leasing of said premises agrees to pay to the first party in the city of Lincoln as rent for the same, the sum of one dollar (\$1) per annum on or before the first day of June of each year beginning on the first day of June, 1909.

It is understood and agreed that this lease is made to the second party in consideration of its having purchased the buildings standing on said lots, and advancing a portion of the funds to the first party to enable the same to acquire the title to said lots for the ultimate erection and construction of a building thereon and the general purposes of said society as provided by the laws of Nebraska and the constitution of said society.

The second party further agrees that it will at all times keep said premises in a neat, clean and wholesome condition; that it will keep the side-walks joining the same free of snow and other objectionable matter, and in all respects comply with the city ordinances relating to the ownership and care of property and the adjacent streets; that it will pay for all city water used on said premises during the term of said lease, and not permit any waste on said premises or anything that may damage

the same or the adjoining property; that before the expiration of said lease, or within sixty days thereafter, it will remove all fixtures, buildings and appurtenances belonging to it now upon said property or hereafter placed thereon, and that any buildings and appurtenances left by it thereon after the expiration of this lease and said sixty days shall become absolutely the property of the first party.

First party shall at all times hold second party, its successors and assigns in interest in said fixtures, buildings and appurtenances, free of any and all taxes and assessments now or hereafter levied or assessed against said property except such as may be levied for 1908 and subsequent years on said fixtures, buildings and appurtenances as personal property.

This lease shall extend to and be binding upon the heirs, executors, administrators and assigns of the parties hereto; it being expressly agreed that second party may in whole or in part assign or sublet.

In witness whereof, the Nebraska State Historical Society has caused these presents to be signed by its president and attested by its secretary pursuant to a resolution of its governing board duly adopted, and the second party has hereunto set its hand this.....day of May, 1908.

A motion by Chancellor Andrews that the president and secretary be instructed to execute said lease upon behalf of the Society was carried.

The secretary then presented the form of receipt which he had issued to those persons who had advanced funds for the purchase of said lots 4, 5, 6, 7, 8, and 9, block 124, as follows:

WHEREAS, At a meeting of the city council of the city of Lincoln, held on the 30th day of March, 1908, the following resolution was duly adopted:

Resolution No. 437.

*Be it resolved by the City Council*, the Mayor approving, that it is the sense of this council that we give to the Historical Society, for the purpose of buying and using for historical buildings, the west half of block 124, city, \$27,000 as follows: \$13,500 in September, 1908, and \$13,500 in September, 1909; the two amounts to be taken in warrants drawn against a levy which is to be made by the finance committee and city council in August 1908, and 1909.

(Signed) E. H. MARSHALL.

Adopted March 30, 1908.

Approved April 4, 1908.

F. W. BROWN, *Mayor*.

Attest:

THOS. H. PRATT, *City Clerk*. (SEAL)

and;

WHEREAS,.....has advanced to the Nebraska State Historical Society the sum of.....dollars (\$.....) in order to enable said society to purchase at this time the land described in said resolution, it being necessary to make such purchase forthwith, the moneys given by the city of Lincoln not being available at this time:

Now Therefore, the Nebraska State Historical Society acknowledges the receipt of said sum of.....dollars (\$.....) for said purpose, and agrees to repay said sum when the moneys described in said resolution are received from the city of Lincoln, it being understood and agreed by the acceptance of this receipt that the amount necessary for the purchase of said lots at this time is advanced by sundry persons, and that the said moneys received from the city of Lincoln, pursuant to said resolution, shall be paid to the persons advancing said moneys for the purchase of said land at this time, including the above named.....pro rata, upon the amounts so paid and advanced.

Dated this.....day of May, 1908.

NEBRASKA STATE HISTORICAL SOCIETY,

By C. S. PAINE, *Secretary*.

Moved by Chancellor Andrews and seconded by Mr. Geisthardt that the action of the secretary in signing said receipts be authorized and approved; that the forms of the receipts be spread upon the records and be made a part of the proceedings of this board, and that the receipts given to the persons advancing said funds, to wit,

W. A. Selleck, W. E. Hardy and E. C. Hardy.....	\$ 5,000
State Journal Company.....	5,000
P. L. Hall, W. J. Bryan and Charles W. Bryan.....	5,000
H. Herpolsheimer & Co.....	2,000
T. P. Kennard.....	2,000
J. W. McDonald.....	1,500
S. A. Foster.....	1,500



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W. T. Auld and Lee J. Dunn.....	1,000
C. H. Rudge.....	1,000
E. J. Hainer.....	1,000
G. A. Berlinghof.....	1,000
J. C. and C. F. Harpham.....	500
M. W. Folsom.....	500

\$27,000,

be accepted and ratified as contracts between the persons advancing said funds and the Nebraska State Historical Society. Carried.

Mr. Geisthardt moved that a vote of thanks be tendered to the city of Lincoln and to the gentlemen representing the Commercial Club, who had rendered such efficient service in securing for the Historical Society this building site. Seconded by the secretary and unanimously carried.

Mr. Geisthardt then presented the form of a contract between the Nebraska State Historical Society and Mr. George A. Berlinghof, architect. The secretary moved that said contract be referred to Mr. Geisthardt with instructions to confer with Mr. Berlinghof and to mutually agree with him as to certain provisions of the contract.

Motion seconded by Chancellor Andrews, and carried.

Mr. Geisthardt then tendered his resignation as chairman of the building committee, expressing his regret that he would not be able to serve on account of his private business and suggesting that the secretary be made chairman in his place.

Moved by Mr. North that the resignation of Mr. Geisthardt be accepted and the secretary be named as chairman of the building committee. Seconded by Chancellor Andrews and carried.

The secretary then presented the bond of Mr. Geist-

hardt as treasurer, which, on motion of Professor Caldwell, seconded by Mr. North, was approved.

Chancellor Andrews then moved to adjourn. Seconded by Mr. Geisthardt and carried.

CLARENCE S. PAINE, *Secretary*.

Approved September 19, 1908.

NEBRASKA STATE HISTORICAL SOCIETY.  
TREASURER'S BOND, 1908.

*Know all men by these presents*, That S. L. Geisthardt as principal, and M. Weil and M. I. Aitken as sureties, are held and firmly bound to the Nebraska State Historical Society in the penal sum of two thousand dollars (\$2,000) for the payment whereof well and truly to be made, said obligors bind themselves firmly by these presents.

WHEREAS, The above bounden S. L. Geisthardt was, at the regular annual meeting of the Nebraska State Historical Society in January, 1908, duly elected Treasurer thereof for the ensuing year.

Now therefore, the condition of this obligation is such that if said S. L. Geisthardt shall well and faithfully perform his duties as such treasurer and faithfully keep and account for, and pay over all moneys received by him as such treasurer, then this obligation is to be void. Otherwise to be and remain in full force and effect.

In witness whereof said obligors have hereunto set their hands this 27th day of January, 1908.

S. L. GEISTHARDT, *Principal*.

M. WEIL,

M. I. AITKEN,

*Sureties*.

Approved by the executive board, May 19, 1908.

C. S. PAINE, *Secretary*.

CERTIFICATE AUTHORIZED BY THE BOARD OF DIRECTORS OF  
THE NEBRASKA STATE HISTORICAL SOCIETY.

WHEREAS, The city of Lincoln, in accordance with chapter 146 of the laws of Nebraska, 1907, has donated and conveyed to the Nebraska State Historical Society lots 4, 5, 6, 7, 8 and 9 of block 124, in the city of Lincoln for a site for a Historical building, and

WHEREAS, In the opinion of this board, said site is suitable therefor and acceptable to this board, and in value equal or greater than all of block 29 in the city of Lincoln, and equally desirable with said block 29, therefore be it

*Resolved*, That this board accept said site, and certifies that the same is suitable for the purpose intended, and acceptable to this board.

*Resolved*, That the president and secretary of this board be, and they are hereby, authorized to certify under oath to the auditor of public accounts the acceptance of said site by this board, and that the conditions named in said act have been complied with.

*Resolved further*, That the said officers certify to the governor of the state the acceptance by said board of said site, and that the same is suitable for the purpose provided in said act.

(Signed) GEORGE L. MILLER, *President*.

C. S. PAINE, *Secretary*.

May 19, 1908.

CERTIFICATE OF THE GOVERNOR AS REQUIRED BY THE  
ACT OF 1907.

STATE OF NEBRASKA, EXECUTIVE OFFICE.

WHEREAS, It has been shown to me that the city of Lincoln, Nebraska, has donated and conveyed to the Nebraska State Historical Society a tract of land in said city suitable for a site for an historical building, to wit: Lots four (4), five (5), six (6), seven (7), eight (8) and (9) in block 124 in said city of Lincoln, and that said site is acceptable to and has been accepted by the executive board of said Society, and

WHEREAS, After due consideration, it seems to me that the above described lots are more desirable and of equal value to block 29 in said city of Lincoln for the purpose desired by the Nebraska State Historical Society:

*Now therefore*, I, George Lawson Sheldon, governor of the State of Nebraska, do hereby certify and declare that the city of Lincoln has complied with the terms and provisions of chapter 146 of the laws of 1907, and that the site above described is acceptable to me as governor of Nebraska.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Nebraska.

Done at Lincoln this 19th day of May, 1908.

GEORGE LAWSON SHELTON, *Governor*.

GEO. C. JUNKIN, *Secretary of State*.

Made and signed in duplicate.



## CALL FOR SPECIAL MEETING OF BOARD OF DIRECTORS.

LINCOLN, NEBRASKA, September 14, 1908.

There will be a special meeting of the board of directors of the Nebraska State Historical Society at the office of the Society in Lincoln, Neb., at 1:30 P. M., Saturday, September 19, 1908, to consider the following:

First, plans and specifications for the proposed Historical Society building.

Second, to interpret the constitution and by-laws with reference to the duties, responsibilities, and authority of the secretary.

Third, to consider the report of the secretary and such other routine matters as may properly come before the board.

Fourth, for the election of new members.

It is important that every member of the board should be present at this meeting.

CLARENCE S. PAINE, *Secretary*.

## SPECIAL MEETING OF BOARD OF DIRECTORS.

A special meeting of the board of directors was held at the office of the Society, Lincoln, Nebr., September 19, 1908, present, Dr. George L. Miller, S. L. Geisthardt, Robert Harvey, James E. North, Professor H. W. Caldwell, and the secretary.

The minutes of the meetings of April 14 and May 19, 1908, were read, corrected and approved.

The report of the secretary was then presented and on motion of Professor Caldwell was ordered placed on file.

The following resolution presented by the secretary was adopted.

*Resolved*, That under a proper construction of the constitution, the secretary is the responsible manager of the Society, subject to the board of directors, and that this board has no authority to alter a constitutional provision.

The motion to adopt was seconded by Mr. North. The secretary then spoke in support of the resolution.

Mr. Geisthardt moved that the consideration of the

resolution be deferred until November 7, when a special meeting of the board should be called for that purpose. After some further discussion, the motion was agreed to.

The secretary then presented for active membership, names of persons as follows.

Chancellor E. Benjamin Andrews, Lincoln.	John B. Buckley, Stromsburg.
Walter L. Anderson, Lincoln.	John M. Burks, Lincoln.
Myrtle P. Atwood, Lincoln.	Roy E. Cochran, Lincoln.
Leverette E. Goodell, Wilber.	William Gaslin, Alma.
James E. Brown, Wilcox.	Jerome Shamp, Lincoln.
Susie D. Gage, Fairbury.	Mrs. Frances B. Taylor, Lincoln.
Lewis Goodrich, Fairmont.	W. W. Wyckoff, York.
Andrew J. Jenison, Harvard.	William H. Woods, Fort Calhoun.
Thomas Lahners, Belvidere.	William M. Bunting, Lincoln.
J. Warren Keifer, Jr., Bostwick.	Anna M. Bunting, Lincoln.
Patrick A. Murphy, Exeter.	Emmanuel G. Jury, Tecumseh.
Albert H. Metzger, Rolf.	Edwin D. Gould, Kearney.
Willis E. Reed, Madison.	Charles H. Rudge, Lincoln.
John B. Reed, Lincoln.	Morris W. Folsom, Lincoln.
Nelson B. Sweitzer, Neligh.	William E. Hardy, Lincoln.
Samuel A. Foster, Lincoln.	George E. Thompson, McCook.
Henry Herpolsheimer, Lincoln.	William D. Redmond, Lincoln.
George Wilkins, Homer.	Milton D. Carey, Seward.
Frank J. Kelley, Lincoln.	Roy B. Clark, Homer.
Ornan J. King, Lincoln.	Rev. Porter C. Johnson, Tecumseh.
Albertus N. Dodson, Wilber.	Owsley Wilson, Lincoln.
Ralph L. George, Cumro.	F. Frank Johnson, Fairbury.
W. E. Wilson, York.	John Lyon, Lincoln.
W. W. James, Shubert.	

A motion by Mr. Geisthardt that the secretary be instructed to cast the ballot of the members of the board present for the election of those whose names had been presented was carried, and the ballot so cast.

The secretary presented a communication from W. Jackson Bell, with reference to the sale of four bound volumes of the *New York Tribune* covering the period from January 2, 1858, to December 18, 1867; price \$125.

After some discussion, Professor Caldwell moved

that the secretary be authorized to purchase such volumes at the best price obtainable.

Seconded by Mr. North. Carried.

Dr. Miller then tendered to the Society, as a gift, the following volumes: *Nast's Illustrated Almanac* for 1872, 1873 and 1875; the first four volumes of the *Penny Magazine*, covering the period from March 31, 1832, to December 19, 1835; John D. Hunter's *Life Among the Indians West of the Mississippi*, and the first two volumes of the *American Monthly Magazine*.

Mr. Geisthardt moved that the books referred to be accepted, and that a vote of thanks be extended to Dr. Miller for the contribution. Seconded by Professor Caldwell. Motion put by the secretary and carried.

Mr. George A. Berlinghof then presented tentative plans for the proposed Historical Society building. After some discussion, the plans were referred to the building committee.

Professor Lawrence Bruner spoke before the board in favor of the use of granite for the exterior of the building and marble for the interior finish.

On motion of Mr. North, seconded by Mr. Geisthardt, Mr. Robert Harvey and Professor A. E. Sheldon were added to the building committee.

On motion of Mr. North, seconded by the secretary, the meeting adjourned.

CLARENCE S. PAINE, *Secretary*.

Approved November 7, 1908.

#### ADJOURNED MEETING OF BOARD OF DIRECTORS.

An adjourned meeting of the board of directors was held at the rooms of the Society, Saturday, November 7, 1908, present, Dr. George L. Miller, J. E. North, Chancellor E. Benjamin Andrews, Robert Harvey, S. L. Geist-



hardt, Prof. H. W. Caldwell, L. A. Varner, and the secretary.

Minutes of the meeting of September 19, 1908, were read and approved.

On motion of Chancellor Andrews, the building committee was authorized to advertise for bids for the construction of the foundation of the proposed wing of the new building.

On motion of Mr. Geisthardt, the president was authorized to appoint a committee of three, of which the secretary should be chairman, to determine the amount of money that should be asked from the legislature for current expenses and to apportion same and also to determine the amount that should be asked for building and permanent improvements. The president appointed as such committee, Chancellor E. B. Andrews, Robert Harvey and the secretary.

Mr. Geisthardt moved that when the board adjourned it be to meet at 1:30 P. M., Saturday, December 12, 1908. Seconded by the secretary. Carried.

The special order then being taken up, Mr. Geisthardt moved that the resolution introduced by the secretary, September 19, be referred to a special committee of three, to be appointed by the president, such committee to formulate a plan for the entire reorganization of the work of the Society and submit the same to the next meeting of this board. Seconded by the secretary. Carried.

The president appointed as such committee, S. L. Geisthardt, A. J. Sawyer and H. H. Wilson.

The following named persons were then proposed by the secretary for election to active membership.

Ralph W. McCallum, Guide	Thomas L. Green, Blue
Rock.	Springs.
Edwin E. Buse, Guide Rock.	Nina L. Gleason, Lincoln.

Alvin McReynolds, Nehawka.  
Irving W. Crary, Guide Rock  
Doy Curas, Battle Creek.  
Ira A. Pace, Guide Rock.  
Roy B. Clark, Homer.  
George W. Prather,  
Bloomington.  
Henry Fox, Jr., Nelson.  
Dr. John W. Robinson,  
Guide Rock.  
Vern Thornburgh, Lincoln.  
Leonard H. Goodrich, Fair-  
bury.  
Martin Langdon, Omaha.  
S. H. Thompson, Hastings.  
Ira Lamb, Hooper.  
Andrew Larson, Minden.  
George W. Mitchell, Chadron.  
Fred O. Ritterbush, Nelson.

Albert J. Stoner, Nelson.  
William W. Hawley, Nelson.  
Wilson Straley, Nelson.  
J. Earle Harper, Clearwater.  
Luther R. Swanson, Oakdale.  
Mrs. Florence E. Hyde,  
Lincoln.  
Isaiah M. Snyder, Clearwater.  
Charles R. Imler, Nelson.  
Lillian U. Stoner, Peru.  
Francis R. Striker, Holstein.  
R. C. Harris, Jefferson County  
Teachers' Library.  
Henry Wagner, Geneva.  
John R. Witzigman, Battle  
Creek.  
Leander B. Miller,  
Bloomington.

On motion of Chancellor Andrews the above named persons were duly elected.

On motion of Chancellor Andrews the meeting adjourned until December 12.

CLARENCE S. PAINE, *Secretary*.

Approved December 12, 1908.

#### ADJOURNED MEETING OF BOARD OF DIRECTORS.

An adjourned meeting of the board of directors was held at the office of the Society, December 12, 1908, present, Dr. George L. Miller, Prof. H. W. Caldwell, Chancellor E. B. Andrews, Robert Harvey, S. L. Geisthardt, the secretary, and Mr. A. E. Sheldon of the building committee.

Minutes of the meeting of November 7 were read and approved.

The report of Mr. Geisthardt, as chairman of the reorganization committee, was then presented as follows.



## REPORT OF COMMITTEE ON PLAN OF ADMINISTRATION.

*To the Honorable the Board of Directors of the Nebraska State Historical Society:*

Your committee to whom was referred the question as to what changes, if any, were advisable in the constitution, by-laws and plans of administration of this Society, respectfully report:

We have examined the statutes, constitutions, and plan of administration of several historical societies as far as practicable within the time allowed, and, without a personal examination of these societies, we are of the opinion that two features are essential to the successful development of this Society, namely:

(1) That all administrative officers and employees be subject to the direct control of the board of directors, including the power of appointment and removal, and power to fix their compensation.

(2) That there should be a single administrative head, responsible to the board as above outlined, with full control over subordinates so as to enable him to meet this responsibility.

We are confronted with the fact that under article IX of our constitution no amendments to the constitution seem possible before the annual meeting in 1910. The by-laws can be amended at the coming annual meeting in January.

To make permanent provision for our recommendations, and at the same time to provide a practicable working plan for the ensuing year, we would recommend the following:

I.

That paragraph 2 of the by-laws be amended to read as follows:

(2a) The secretary shall have custody of the Society's property, and the general supervision and management of its work as herein provided, under the control of the board of directors. He shall keep the records of the meeting of the Society, and conduct the correspondence of the board, preserve all correspondence in proper files and keep copies of all letters written by him. He shall see that all employees of the board perform their duties and carry out the rules and orders of the board. For his services as secretary he shall receive such compensation as the board may determine.

(b) The board shall appoint a superintendent, who shall have general charge and administration of the property and work of the Society and such other employees as it may deem necessary. The board shall have power to make rules for their

government and to prescribe their duties and compensation. The superintendent and all other employees shall hold office at the pleasure of the board. The secretary may be appointed superintendent.

(c) Only members of this Society shall be entitled to draw books from the library. No manuscripts or articles in the museum shall be withdrawn from the custody of the proper officers.

## II.

For the purpose of eliminating in the future, as far as practicable, all questions as to the authority and effective power of the board and officers, your committee recommends as follows:

(a) That article V of the constitution be amended to read as follows:

The officers of the Society shall be a president, two vice presidents, a treasurer, and a secretary, who shall be elected by the board of directors at their first meeting after the annual meeting of the Society, and hold their respective offices until their successors are elected and qualified.

A vacancy in any office may be filled by the board of directors for the unexpired term.

The president shall preside at the meetings of the Society and the board, and in general shall perform the duties usually incident to the office.

The vice presidents in the order of their election shall have the rights and duties of the president in his absence.

The treasurer shall collect and have charge of the funds of the Society; he shall keep the funds of the Society in its name in some safe banking house in the city of Lincoln; he shall keep a detailed account of receipts and expenditures; keep his accounts open for inspection by the board of directors; make a full report to the Society at its annual meeting and at all times when required, and pay no moneys except on warrant drawn by the president or a vice president and countersigned by the secretary. He shall give a bond for the faithful performance of his duties in the sum of two thousand dollars, and such additional sum as the Society may require, and file the same with the secretary.

The secretary shall keep the records of the meetings of the Society and the board of directors, and conduct the correspondence of the board. In connection with the president he shall make the report to the governor required by law; he shall make a full report of his doings at the annual meeting of the Society and at the quarterly meetings of the board of directors, and perform such other duties as may be required by the board.

The secretary and treasurer may each receive such salary as the board of directors may determine. No other member of the board shall receive any remuneration for his services, but he may be allowed his actual expenses in performing the duties of his office.

Any officer may be removed at any meeting of the Society by a two-thirds vote of those present. Officers *pro tempore* may be chosen by the Society at any meeting in the absence of the regular officers.

(b) That Article VI of the constitution be amended to read as follows:

The board of directors shall consist of the governor of the state, the chancellor of the state university, the head of the department of American history in the state university, and the president of the Nebraska State Press Association, *ex officio*, and five members elected by the Society at its annual meeting.

The board of directors shall be the governing body of the Society, with power to manage, administer and control the disposition of its moneys, property, effects and affairs, subject to the constitution and by-laws.

They shall elect the officers of the Society; they shall have power to elect a superintendent as the chief administrative head of the Society, and such other employees as they may deem necessary, and to prescribe their powers, duties and compensation. They may adopt such rules for the administration of the Society's affairs as they see fit, consistent with the constitution and by-laws.

Regular meetings of the board of directors shall be held on the first Tuesday after the second Monday in January and quarterly thereafter during the year. At such meetings they shall receive reports from the secretary and other officers and employees, act on applications for membership, and transact such other business as shall seem to the Society's best interests. Special meetings of the board may be called by the president or secretary upon five days notice to each member, specifying the object of such special meeting. Five shall constitute a quorum of the board. The order of business at a meeting of the board of directors shall be the same as that of the Society's meeting. The board shall report through the secretary of the Society at its meetings.

### III.

Your committee is doubtful of the wisdom of perpetuating the office of treasurer. There is no good reason why the state treasurer should not receive and disburse all the funds of the



Society. However, inasmuch as some auditor or state treasurer might deem the membership fees included in the state appropriation, and therefore practically reduce the income of the Society in that amount, we have let the provision in regard to the treasurer stand as it is at present.

Dated this 12th day of December, 1908.

S. L. GEISTHARDT,

H. H. WILSON,

A. J. SAWYER,

*Committee.*

After some informal discussion the secretary moved that the report of the committee be accepted, that it be recommended to the annual meeting with the approval of this board, and that the committee be asked to perfect the proposed plan of reorganization in any way thought proper. Seconded by Mr. Geisthardt. Carried.

The secretary then presented the following names of persons for election to active membership.

Ulysses G. Cornell, Lincoln.	Elizabeth M. Shotwell,
James M. Burress, Auburn.	Seward.
Dennis J. Flaherty, Lincoln.	John W. Towle, Omaha.
George E. Kindler, Seward.	John E. Miller, Lincoln.
George M. Losey, Lincoln.	Fred B. Humphrey, Lincoln.
William K. Fowler, Lincoln.	Julius C. Harpham, Lincoln.
Grace E. Brown, Wood River.	Herbert W. Davis, Lincoln.
Anna V. Jennings, Kearney.	Ashton C. Shallenberger,
John H. Mockett, Lincoln.	Alma.
Charles A. Beach, Lincoln.	Edward B. Cowles, Fairbury.
Rev. Porter C. Johnson,	William H. Roach, Lincoln.
Tecumseh.	A. Clark Roach, Lincoln.
Tom Gupton, Oxford.	

Mr. Geisthardt moved that the secretary be instructed to cast the ballot of the members of the board present for the election of the persons named. Seconded by Chancellor Andrews. Carried.

The secretary then presented the following communication of Mr. Robert Harvey:

LINCOLN, NEBRASKA, December 12, 1908.

MR. C. S. PAINE,

*Secretary State Historical Society, Lincoln, Neb.*

DEAR SIR: At a special meeting of the board held January 15, 1908, when the question of my going to Washington, D. C., to look up and procure copies of missing letters of the commissioner of the general land office to complete the historical record of the correspondence of the commissioner with the surveyor general of the surveying district of which Nebraska was a part, was under consideration, I made the proposition that, inasmuch as I contemplated making a visit to Ashland, Ashland county, Ohio, in the future, I would bear my own expense to that point and return, if the Society would pay the expense from said town to Washington and return; this was informally agreed to.

I made the trip in February and March, 1908, and spent six days in examination of the records and making an index of all the letters and parts of letters pertaining to Nebraska surveys required to complete the files. These letters are 49 in number, 46 of which cover the organization of the office and the first year's operations, and the last three, the closing of the office and turning over the archives of surveys to the state of Nebraska in 1889.

Certified copies of these have been received, indexed and placed chronologically in volumes I and X, and are now at the bindery and will soon be on the shelves. The other eight volumes have been doing service for nearly a year.

I may add that I hunted out the original field notes of the first survey made within the limits of Nebraska Territory, by Rev. Isaac McCoy in 1837, consisting of twenty-seven pages of descriptive notes of surveys of the half-breed Indian reserve.

I have searched for more than five years for these notes, hoping to find them among the archives, or in the office of the custodian of the government records of Kansas surveys, so as to have the original record of this ancient Nebraska survey. In the meanwhile I had corresponded with the commissioner of the general land office, and with the commissioner of Indian affairs to procure copies, but they could not be found in either office. I spent nearly two days at this work and procured a certified copy, which has been bound and filed with the notes of Nebraska surveys. During the search I found the notes of the general description of McCoy's survey, consisting of one page of a folio sheet, so we have at least one page of original manuscript of this early survey.

With the aid of the war department I was also able to find General Richard C. Drum, a surviving officer who played a



prominent part in the battle of Ash Hollow, from whom I obtained valuable information as to the location of the battle ground and history of the battle.

I enclose herewith my expense account from Ashland, Ohio, to Washington and return and one half of my expense during the six days engaged at work on records.

As the trip was made over different roads, I have computed the expense over the B. & O. to Washington, from Athens, Ohio, which is approximately in the same longitude as Ashland.

Very respectfully,

ROBERT HARVEY.

The bill for the expense of Mr. Harvey, amounting to \$34.22, was then presented by the secretary, and, on motion of Mr. Geisthardt, was allowed and ordered paid.

The secretary then presented the report of the building committee, that bids for the construction of the proposed library and museum building of the Nebraska State Historical Society had been received, opened and tabulated as follows:

No.	Name of Bidder	Address	AMOUNT OF BID		Certi- fied Check
			Gray Bashaw Granite. Polished	Gray Bashaw Granite Hammer Finished	
1	Geo. A. Shaul Cons. Co.	Seneca, Kan..	\$20000	\$19000	\$1500
2	Olson & Lawrence.....	Lincoln, Neb..	21500	20300	1500
3	Louis Jensen .....	Lincoln, Neb..	23000	21800	1000
4	Geo. E. Tobin .....	Lincoln, Neb..	23800	22600	1500
5	N. J. Assenmacher & Co.	Lincoln, Neb..	24275	23175	1500
6	W. G. Merton.....	Emerson, Neb.	24381	23181	1500
7	Soucey & Pesha.....	Lincoln, Neb..	26053	24853	1500

It appearing that Olson & Lawrence, of Lincoln, Nebraska, had also bid on Concord granite, at a price of \$4,300 less than their bid on gray Bashaw granite, and that such bid could not be accepted under the specifications, Chancellor Andrews moved that all bids be rejected, and that the secretary and architect readvertise for new bids, specifying several varieties of granite, and ask

for bids upon each. Motion seconded by Mr. Geisthardt and carried.

The secretary then reported that the committee appointed to consider the amount which should be asked of the next legislature for the expense of the biennium had agreed that \$20,000 should be asked for. On motion of Mr. Geisthardt the report was adopted.

The secretary then moved that the president be authorized to appoint a committee of five citizens, members of the Society selected from the state at large, to assist in presenting to the members of the legislature the financial needs of this Society, especially with reference to a building. Seconded by Mr. Geisthardt. Carried.

The president appointed as such committee, William J. Bryan, Lincoln; George L. Loomis, Fremont; Andrew J. Sawyer, Lincoln; Otoe Morton, Nebraska City; Lysle I. Abbott, Omaha.

On motion of the secretary, seconded by Chancellor Andrews, adjournment was taken until 1:30 P. M., Tuesday, December 22, 1908.

CLARENCE S. PAINE, *Secretary*.

Approved December 31, 1908.

#### ADJOURNED MEETING OF BOARD OF DIRECTORS.

An adjourned meeting of the board of directors was held at the office of the Society, in Lincoln, Nebraska, at 1:30 P. M., December 22, 1908, present, Robert Harvey, vice president, presiding, Professor H. W. Caldwell, Chancellor E. B. Andrews, S. L. Geisthardt, the secretary, Mr. A. E. Sheldon, of the building committee, and George A. Berlinghof, architect.

Minutes of the meeting of December 12 were read and approved.

The bids for the construction of the foundation and

base of the proposed Historical Society building were then opened. Three bidders were represented as follows: George A. Shaul Construction Company, Louis Jensen, and George E. Tobin. The bid of George E. Tobin, as it was not accompanied with a certified check, was not considered. The bid of Louis Jensen was accompanied with a check which was not certified, neither did the bid of Mr. Jensen include a bid upon gray Bashaw granite, one of the varieties specified, but did include a bid of \$18,120 on Barre (Vermont) granite, polished, which was not specified. Mr. Joseph B. Reinhalter, an expert, was called before the board and discussed at length the various kinds of granite. Mr. Louis Jensen was then called before the board to explain his bids.

Chancellor Andrews then moved

That the president and secretary of the board be authorized to enter into a contract with the George A. Shaul Construction Company, in accordance with their bids of this date, to construct the foundation and one half of the base of the proposed Historical Society building, in accordance with the plans and specifications of the architect, at their bid of \$19,000, using for said base gray Bashaw granite, polished finish. Provided, however, that such contract shall not be entered into until the building committee has received from the Woodbury Granite Company a written guaranty to furnish, at any time inside of five years, the same quality of gray Bashaw granite for the completion of the base of the whole building, approaches and steps, at a price satisfactory to the building committee.

Seconded by the secretary. Carried.

Professor H. W. Caldwell then presented for active membership the name of Professor Samuel Avery, and the secretary presented the name of Ancil L. Funk.

Chancellor Andrews moved that the secretary be instructed to cast the ballot of the members of the board present for the election of the gentlemen named to active



membership. Seconded by Professor Caldwell. Carried.

The secretary then presented the contract with the architect, George A. Berlinghof, as prepared by Mr. Geisthardt, in accordance with the instructions of the board.

Chancellor Andrews moved that the president and secretary be authorized to execute the said contract with George A. Berlinghof as architect and superintendent. Seconded by Professor Caldwell. Carried.

The secretary then moved to adjourn until December 31, 1908. Seconded and carried.

CLARENCE S. PAINE, *Secretary*.

Approved December 31, 1908.

NEBRASKA STATE HISTORICAL SOCIETY—GEORGE A.  
BERLINGHOF AGREEMENT.

This agreement, made this 19th day of May, 1908, by and between the Nebraska State Historical Society, hereinafter called the first party, and George A. Berlinghof, of the city of Lincoln, county of Lancaster and state of Nebraska, hereinafter called the second party, witnesseth:

1. The Nebraska State Historical Society hereby accepts the proposition of the second party dated April 14, 1908, a copy of which is hereunto annexed and made a part hereof, subject to the following limitations and modifications herein shown.

2. The second party is to prepare the plans, and superintend the erection and construction of the building to be erected by the Society on the west half of block number one hundred and twenty-four (124) in the city of Lincoln, and to receive as his compensation the sum of five per cent on the actual cost of the building, payable from time to time upon the work as completed and approved by the executive board of the first party.

3. In case of the death, disability or removal from Lincoln of the second party, the first party may elect to terminate this contract, and shall then pay only upon the basis of the work completed, and approved by the executive board of the first party. In such event the value of the completed plans



is to be computed at  $3\frac{1}{2}$  per cent of such total estimated cost, and the value of the supervision at  $1\frac{1}{2}$  per cent of such total cost.

4. It is expressly understood and agreed that the appropriation by the state of Nebraska for the work to be done at this time is limited to twenty-five thousand dollars (\$25,000), and that the construction and completion of said building and the liability of the first party to the second party is subject to future appropriations.

5. The second party will furnish as soon as practicable, a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000.00) in a surety company to be approved by the first party, conditioned on the faithful performance of his duties as architect and as a guaranty of the safe and sound construction of the building.

In witness whereof, the first party has caused these presents to be signed by its president and attested by its secretary and corporate seal pursuant to a resolution of the executive board duly adopted on the date first above mentioned, and the second party has hereunto set his hand the day and year first above written.

NEBRASKA STATE HISTORICAL SOCIETY,

By GEORGE L. MILLER, *President*.

Attest: CLARENCE S. PAINE, *Secretary*.

GEORGE A. BERLINGHOF, *Second Party*.

STATE OF NEBRASKA, }  
LANCASTER COUNTY, } ss.

On this 22d day of December, 1908, before me, the subscriber, a notary public duly commissioned, qualified for and residing in the state and county aforesaid, personally appeared George A. Berlinghof, to me known to be the identical person who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

MAX WESTERMAN, *Notary Public*.

(Notarial Seal.)

Commission expires August 3, 1909.

ADJOURNED MEETING OF BOARD OF DIRECTORS.

An adjourned meeting of the board of directors was held at the office of the Society, in Lincoln, Nebraska, De-

cember 31, 1908, present, Robert Harvey, vice president, presiding, Chancellor E. B. Andrews, S. L. Geisthardt, Governor George L. Sheldon, and Professor H. W. Caldwell.

Chancellor E. B. Andrews moved that Professor H. W. Caldwell be made secretary *pro tempore*. Seconded by S. L. Geisthardt. Carried.

Minutes of the meeting of December 22 were read and approved.

Mr. Geisthardt made a statement of conditions confronting the board, and then, after some questions and discussion, Chancellor E. B. Andrews moved that the board reconsider its action of December 22, 1908, authorizing the building committee to enter into a contract with the George A. Shaul Construction Co., under their bid of \$19,000. Seconded by S. L. Geisthardt. Carried.

Chancellor E. B. Andrews then withdrew his motion, awarding the contract to the Shaul Construction Co., thus leaving the bids pending before the board as on December 22, 1908.

Chancellor Andrews then made the following motion:

WHEREAS, The building committee has not been able to obtain satisfactory guaranties for granite for the completion of the base of the whole building, and

WHEREAS, There is only one bid before the board, accompanied by certified check, as required by the terms and conditions of bidding;

*Therefore*, I move that all bids be rejected, and that new bids be invited for the construction of the base as specified, exclusive of granite.

Seconded by Governor Sheldon. Carried.

He then made the following motion, which was seconded by Governor George L. Sheldon. "I move further that the building committee, in connection with the architect, be authorized and instructed to invite proposals and

procure options, if possible, from responsible companies or persons willing to furnish granite for a period of years, such proposals to be available either to this board or to any responsible contractor." Carried.

A third motion was then made by Chancellor Andrews, as follows: "I move that the building committee be authorized and empowered to pay for the option provided for in the motion just now passed such amount as they shall consider fitting and proper." Seconded by S. L. Geisthardt. Carried.

Moved that we now adjourn. Carried.

H. W. CALDWELL, *Secretary pro tempore*.

Approved January 13, 1909.

#### REGULAR MEETING OF THE BOARD OF DIRECTORS.

A regular meeting of the board of directors was held at the rooms of the Society in Lincoln, Nebraska, January 13, 1909, present, Robert Harvey, vice president, presiding, Professor H. W. Caldwell, S. L. Geisthardt, Chancellor Samuel Avery, the secretary, and A. E. Sheldon of the building committee.

Minutes of the meeting of December 31, 1908, were read and approved.

Bids for the construction of the foundation and brickwork of the base of the proposed historical society building were then opened. The following bidders were represented: Trenton Building Company, W. J. Assenmacher, Louis Jensen, George A. Shaul, Andrew Kiewit, Ed. A. Stephens.

Louis Jensen of Lincoln, Nebraska, being the lowest bidder, the secretary moved, "That the building committee be authorized to enter into a contract with said Louis Jensen to make the excavation and construct the foundation and the brick work of the base of said building, on



his bid of \$10,120, whenever said Louis Jensen shall have complied with the prescribed conditions.”

Seconded by Mr. Geisthardt. Carried.

Mr. Sheldon presented a bill of \$86.82 for expenses to Washington, D. C., and Richmond, Virginia. The secretary moved that the bill be allowed. Seconded by Mr. Geisthardt. Carried.

A motion to adjourn offered by the secretary, seconded by Mr. Geisthardt, was carried.

CLARENCE S. PAINE, *Secretary*.

Approved April 13, 1909.

#### THIRTY-SECOND ANNUAL MEETING.

The thirty-second annual meeting was held at the Temple Theater, Lincoln, Nebraska, January 12-13, 1909.

Tuesday, January 12, at eight o'clock P. M., the meeting of the Society was called to order by the president, Dr. George L. Miller. The first number of the program was a violin solo by Miss Genevieve Fodrea.

Governor Ashton C. Shallenberger in welcoming the members to the capital city spoke extemporaneously and no stenographic report was made of his remarks.

President George L. Miller then addressed the members briefly. This was the last public address made by Dr. Miller, who spoke extemporaneously. The following report of his address has been edited from the stenographic notes.

I am glad to meet the members of the Nebraska State Historical Society at their annual meeting again to renew our faith and devotion to its important work, and to take note of its progress and expansion. As you shall see, considering our limitations in more than one direction, the result of the year's labors, thanks to the intelligent zeal of the board of directors and the working staff, are most gratifying. The secretary's full report will furnish you the details of the important work of the Society, and I need not therefore detain you



with their recapitulation or with comment. The record speaks for itself. For any needed elaboration which may be deemed necessary for the better information of the membership, as to the past work and present and future needs of the Society, I may safely rely upon members of the board of directors, and upon Secretary Paine and others who are fully equipped for imparting it. I make only one exception to my purpose not to discuss the work of the Society in detail when mere mention is made of the beginning of the construction of the new building for the Society for which an appropriation of \$25,000 was made by the last legislature. A condition of the appropriation required that the Society be furnished by the citizens of Lincoln with an adequate and suitable site for the new building or it would lapse. The necessity was absolute. The facts were made known to the people of this city and especially to a few public-spirited citizens—to which class every great and growing city largely owes its prosperity and power—who stepped forward promptly as one man to meet the demands of the situation, and the Historical Society building became an assured fact. For my own part I have a very warm side for the thousands of men in this state and for the millions of men in the nation of whom these eminent citizens of Lincoln furnish a fine type. As a matter of fact all men of brains and capacity fully share my own pride in them.

I am sure I should not commit a second offense as an amateur parliamentarian by ruling out of order a resolution of thanks from this Society to those enterprising citizens for their valuable services to the people of Nebraska in a critical emergency. Their names will not escape their appropriate place in future time when the roll of honor is called of those who made possible at this particular time the home of solid and enduring granite which is about to rise upon its foundation for the safeguarding and preservation, through all the future of our young commonwealth, of the memorials of its history, so precious to the living and so priceless to the unborn of this and future generations, which it is the exalted purpose and business of this Society to secure, at very reasonable cost and by every earnest endeavor.

I indulge the hope and confide in the belief and expectation that Governor Shallenberger and the honorable gentlemen in control of the legislature will permit no backward step by any act of omission or commission that will delay for a single day the rapid progress of this building to early completion. This consummation would be sure to arouse the aspirations of a dozing public opinion to a greater appreciation of the great need, to realize the actual aspirations of the people of the state, and to awaken them to a new and higher sense of its dignity

and power. In the presenee of this building, rising upon its foundation into broad and beautiful proportions, nothing could prevent the early extirpation of the ramshackle ruin that projects itself as a hideous tumor on the superb site of a new capitol. For that edifice, massive, stately, is already in the minds of thousands of patriotic citizens as an early-coming symbol of the greatness of Nebraska in resources, in high achievements, in the evolution from naked barbarism and savagery of every element of a rising civilization of abounding promise, the unchallenged peer of any other purely agricultural state in the sisterhood of the Union.

In closing the last address that I shall make before this honorable Society from the chair of its president, I wish to renew an expression of my great and grateful appreciation of the honor conferred upon me when I was chosen to this position by your favor. Words would fail me should I attempt to convey to you my deep sense of obligation for all the kindness and courtesy which I have received from this Society, its board of directors, executive officers and servants, during my terms of service. In affirming loyalty to the duty and industry of all these, I am almost ashamed to say that mistaken economy and want of fair play makes it clear to my own mind that the salaried servants of the Historical Society are not much more than half paid. It has been more than intimated in high quarters of political leadership that the platform of the political party now in control of the state government may furnish excuse for an undue economy of expenditures, insomuch that there is some apprehension, which I respectfully decline to share, that it may check our advance all along the line of educational progress by a narrow and cheap parsimony.

But I must not detain you. I was about to say that I feel warranted by the use of my name as candidate for reelection to the high office of president of the Nebraska State Historical Society to repeat what I have already said to the board of directors, that for purely personal and private reasons, which are of no concern whatever to you or the public, I must not be considered for election for another term. In many ways and for many reasons, final separation from the associations which I have greatly prized and the memory of which will be forever dear to me causes me sincere and deep regret. In both personal and official relations they have been a continual pleasure and satisfaction to me. I can only add, in the good words of Tiny Tim, 'God bless you, every one.'

Rev. William Murphy, of Seward, Nebraska, read the following paper

## COMPARISON OF CONSTITUTIONS.

It is noticeable in human affairs that men, when on the point of assuming grave responsibilities, or of discharging duties involving great and lasting consequences, or of meeting appalling dangers, perceive a feeling of oppressive awe overwhelming them. The analysis of this feeling discloses a consciousness, how obscure soever it may be in some cases, of responsibility to a higher authority and of limitation of powers necessary to the accomplishment. They consequently seek an increase of physical force, where physical force is sufficient; or of universal sentiment, where moral force is required; usually of both; and, when results to be attained are most momentous, every people has sought supernal aid. In all important public matters the people of antiquity had recourse to haruspicy, except the Israelites, who had recourse to the oracle. This custom, then, is deeply embedded in the nature of man. Cyrus would interpret the rolling thunder as the voices of the gods directing him to invade the boundaries of the Medes. Just before the battle of the pyramids, Napoleon reminded his soldiers that from their heights the eyes of forty generations were looking down upon them. Urging the adoption of the declaration, John Adams said: "Sir, before God, I believe the hour has come." Promulgating the decree of emancipation, Abraham Lincoln said: "And upon this act . . . .I invoke the considerate judgment of mankind and the gracious favor of Almighty God." In the formula of last wills, Judge Maxwell, following the precedent of the canons, begins with the phrase: "In the name of God. Amen." With few exceptions the framers of the constitutions of states, realizing the gravity and the magnitude of the work imposed upon them, felt the need of divine assistance and guidance and so declared in specific terms;



for they believed that "power" was "given them by the Lord, and strength by the most high, who" would "examine" their "works, and search out" their "thoughts." All of our state constitutions, except those of New Hampshire, Vermont, and West Virginia, have preambles containing most remarkable declarations. The articles of confederation had no preamble. As in law a preamble states the reason and intent thereof, it may be permitted to infer that a constitution states in its preamble the reason and intent of it. In nearly all the preambles the origin of government and the source of power are declared, together with ardent expressions of the most profound gratitude to that origin and source. These burning expressions represent a whole people "bowing their heads beneath the mighty hand of God," confessing that "there is no power but from Him" and that "by Him lawgivers decree just things."

The declaration of independence, which may be considered the preamble to the constitution of the United States, blazing the way for the states, appeals "to the supreme judge of the world for the rectitude of our intentions. . . . And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor." Alabama, bowed down in reverence, avows that she "is profoundly grateful to Almighty God for this inestimable right,"— of establishing a constitution — and invokes "His favor and guidance. . . ." Arkansas is alike grateful "for the privilege of choosing our own form of government"; Indiana, "for the free exercise of the right to choose our own form of government"; Kansas, "for our civil and religious privileges." Missouri proceeds "with profound reverence for the supreme ruler of the universe," and is "grateful



for His goodness"; and Wisconsin is grateful "for our freedom." Iowa is "grateful for the blessings hitherto enjoyed, and feeling our dependence upon Him for a continuation of those blessings..." "The people of Connecticut, acknowledging with gratitude the good providence of God, in having permitted us to enjoy a free government..." Rhode Island and New Jersey are "grateful to Almighty God for the civil and religious liberty which he hath so long permitted us to enjoy," and the former, furthermore, "is looking to Him for a blessing upon our endeavors to secure and transmit the same to succeeding generations." Georgia is relying upon the protection and guidance of Almighty God"; Louisiana is "grateful to Almighty God for the civil, political and religious liberties we enjoy..." Mississippi declares herself not only "grateful," but, further, invokes His "blessing on our work"; New York is grateful to Him "for our freedom"; Montana, "for the blessings of liberty"; North Dakota, "for our civil and religious liberty"; Maryland, South Dakota, Minnesota, for the same. Illinois declares herself "grateful to Almighty God for the civil, political and religious liberty which He hath so long permitted us to enjoy," and, in addition, is "looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations"; and to the same "Almighty God" is Pennsylvania grateful "for civil and religious liberty"; more specifically Delaware enumerates that "through divine goodness all men have by nature the rights of worshipping and serving their creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property," and Maine is "acknowledging, with grateful hearts, the goodness of the sovereign ruler of the uni-

verse in affording us an opportunity, so favorable to the design, and imploring His aid in its accomplishment." Massachusetts effusively declares herself "acknowledging, with grateful hearts, the goodness of the great legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit and solemn compact with each other, and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design." In nearly similar language North Carolina avows herself "grateful to Almighty God, the sovereign ruler of nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity," while South Carolina declares herself "grateful to God for liberty..." Texas "invoking the blessings of Almighty God"; Virginia "with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberations..." Washington is "grateful to the supreme ruler of the universe for our liberties"; and Wyoming is "grateful to God for our civil, political and religious liberties." Finally, Nebraska, with California, Idaho and Nevada, is "grateful to Almighty God for our freedom."

These preambles are the most deliberate and most solemn declarations of a whole people in their sovereign capacity. They demonstrate that the people who utter them are profoundly religious and in the deity recognize the true and only source of government. Even though the language of Maryland, Massachusetts and South Carolina contains reference to a "solemn compact," nevertheless they also declare, that there is a "supreme ruler

of the universe.”<sup>1</sup> In borrowing the expression of Thomas Hobbes those three states, unlike him, distinguished between the substance and the form of government; and while they acknowledge the substance to be the creation and gift of the “supreme ruler of the universe,” they also realized that they are empowered by Him to select and adopt the form in which sovereignty should exercise its functions.

A constitution is a collection of principles and rules established by the sovereign body, in accordance with which the government of the state is administered, and usually consists of two distinct parts, one of which is concerned with the structure of the government, and the other, with the fundamental rights *in rem*, known as the bill of rights. These fundamental rights are three, namely, the right of life, liberty and property. Blackstone says that they “were formerly, either by inheritance or by purchase, the rights of all mankind,” but they are in the declaration of independence denominated “inalienable.”<sup>2</sup> Furthermore, Blackstone gives the reason why these rights are termed fundamental, namely, “because, as there is no other known method of compulsion, or abridging man’s natural free will, but by an infringement or diminution of one or other of these important rights, the preservation of these inviolate may justly be said to

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<sup>1</sup> Maryland: “All government of right originates from the people, is founded in compact only. . . .” Massachusetts: “It is a social compact . . . .” The constitution of South Carolina—adopted in 1895—says nothing about a compact. Its predecessor, adopted in 1868, called itself “a solemn compact.” The constitution of Maryland does not declare that there is “a supreme ruler of the universe”; that of Massachusetts—adopted in 1780—effusively refers to “the great Legislator of the universe . . . the Supreme Being, the great Creator and Preserver of the universe.”—ED.

<sup>2</sup> The rights specified in the declaration of independence as inalienable are “life, liberty, and the pursuit of happiness.”—ED.



include the preservation of our civil immunities in their largest and most extensive sense." Finally they are all included in the code promulgated on the Mount of Sinai. In the constitution of each state the bill of rights, collected or diffused, enumerates, specifically or generally, those three fundamental rights *in rem* in all their bearings on the destiny of man.

As to the immediate source of authority in government a practically uniform expression is used by the several states. Alabama, Arkansas, California, Connecticut, Florida, Idaho, Iowa, Kansas, Minnesota, Nevada, New Jersey, North Dakota, Missouri, Montana, North Carolina, Ohio, Washington, South Carolina, employ the formula, all "political power is inherent in the people."<sup>3</sup> Colorado, North Carolina, Montana, Mississippi, use the expression, "vested in and derived from"; Delaware, "is derived only"; Illinois, "deriving their just powers from the consent of the governed"; Indiana, "founded on their authority"; which is identical with that of Kentucky, Louisiana, Texas, Oregon, Pennsylvania, on which Michigan is silent; Rhode Island speaks indefinitely, thus: "The basis of our political systems is the right of the people to make and alter their constitutions of government."

In determining the structure of the government of the United States, as well as of each particular state, the

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<sup>3</sup> Montana: "All political power is vested in\*and derived from the people . . . " North Carolina, the same.

South Carolina: "All political power is vested in and derived from the people only . . . "

Delaware: "All just authority in the institutions of political society is derived from the people . . . "

Indiana: "All power is inherent in the people; and all free governments are founded on their authority."

Louisiana: "All government of right originates with the people, is founded on their will alone."—Ed.



experience of all other peoples in regard to governments, and especially those of Greece, Rome and England, was exhaustively analyzed, and the wisdom thereby gained was a shining light to the framers. If history be what Cicero described it to be, namely, the witness of ages, torch of truth, life of memory, messenger of antiquity, directress of life, in no other work of man for the up-building and regulating of society has the experience and wisdom of history been so admirably investigated and so completely and effectively appropriated and applied. From Rome and Greece they learned the division and distribution of powers, a single rather than a plural executive and a plural rather than a single legislature and judiciary; and from England and other nations they preferred an elective rather than an hereditary executive. The executive established by the constitution of the United States is, with the limitation of appointments "by and with the advice and consent of the senate," an absolute unity, while the executives established by the constitutions of the states divide and diffuse the executive power; in the former it is conferred on one by the electors, while in the latter it is conferred by the electors on several individuals independent of each other and responsible only to the electors. The vastness of the territory to be controlled, the reluctance of sovereign states to surrender anything of sovereignty, the necessity of exerting in a consolidated and united form the whole force of the people and presenting a unity in all relations with other governments, the experience of the confederation with a single body of plural legislators without an executive, and of those of antiquity and of the middle ages, were powerfully persuasive in the adoption of such an executive, notwithstanding fears arising from the yet vague conception of the federal form in government, of which

history presented no example for guidance; while, in the states, a comparatively limited territory, a closer and more immediate and more direct relation to the electors with more frequent return to them for an accounting, with the usual and lasting fears of a free people for a tyranny, all tended to create a preference for something akin to plurality in the executive as well as in the other branches of government. Furthermore, in the language conveying powers, the constitutions of the states employ, for the most part, concrete expressions which entirely eliminate the power of expansion to meet new conditions arising in the continuity of the growth of states and which can be adequately provided for only by recourse to the sovereign body for a grant of new powers; while in the constitution of the United States the language conveying power is usually, almost entirely, abstract. In other words, abstract principles are declared, which, on due analysis and profound study, will be found to contain the rule for the determination of each concrete case. As an example of this difference, the growing and vast importance of the interstate commerce clause, passed in the convention almost without debate, is now found to embrace rules for the universally altered industrial conditions, undreamed of by the convention that framed the constitution of the United States. Many of the state constitutions, on the other hand, have, in addition to the reasons previously referred to, been loaded down with enactments more appropriately assigned to the functions of the legislature, which, by frequent orders from the sovereign body committed to new agents, would be more elastic to meet growing or changing conditions. Nebraska has experienced the difficulty of making needed improvement in her fundamental law but, in the three amendments adopted in the last few years, has raised her constitution to a place

where it may fairly be said to hold the golden middle of the two extremes of constitutions. That extreme, where a constitution is weighted down with legislative functions, manifests a fear of the people, which is either well founded or not well founded. If well founded, there can be no remedy for it but the Roman submission to a tyranny; for when a people cease to care for the administration of their government, how else can it be administered but by tyranny, unless one would call anarchy administration of government. The other extreme, namely, where few, if any, functions of a legislature are embodied in a constitution, demonstrates a healthy, vigilant, active, energetic interest in public affairs and a serious appreciation of a free government. No greater stigma of degeneration can appear among a free people than indifference to the public weal, neglect to perform the duties of citizenship, or to use government for private interest, not for the public welfare. When the public conscience slumbers, when patriotism is extinguished or extinguishing, the writings on constitutional parchments become mere hieroglyphics, undecipherable, and the sovereign power has been abdicated by the people to be grasped by another and stronger hand.

One of the greatest and most profound writers and philosophers, St. Thomas Aquinas, inferring from history and illumined by supernal light, leaves us this conclusion: "If a people be a well moderated, grave and most diligent custodian of the commonwealth, in which each esteems his private property less than the public welfare, is not a law rightly enacted, by which such a people is allowed to select for themselves magistrates, through whom the republic may be administered? But if, by degrees, that same people becomes depraved, considers the right of suffrage a thing to be sold and bought, and intrusts the



government to the wicked and criminal, the power of conferring honors is rightly taken away from such a people and given back to the discretion of the few, who are virtuous." The stream is not purer than its source, and a people indifferent to and negligent of public affairs cannot be saved or preserved in liberty by any written documents.

For some years, there has been a periodical demand, which thus far has not accumulated the required energy, for a change in the mode of electing United States senators.<sup>4</sup> When the original thought of the framers of that constitution is considered, namely the two-fold representation in Congress, of the people directly and immediately in the House of Representatives, and of the organized states in their corporate capacity directly and immediately in the one and indirectly and mediately in the other, together with the history of one and a third century of results, it does not seem that one can conclude that there is either wisdom or necessity for the demand. If the people are not pure and incorruptible and patriotic and selfish enough to elect a legislature pure enough and incorruptible enough and patriotic enough and true enough to its constituents to select and commission the senator they demand, how can they themselves perform directly and immediately that most important of functions? Is there any reason now to believe, is there thus far any fact on which to rest such a belief, that the same interests that now are said to corrupt a legislature in such a selection, may not also corrupt the body sovereign, that is, discover and corrupt sufficient electors holding the balance of power, sometimes many, often only a very few?

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<sup>4</sup> The seventeenth amendment to the constitution of the United States, which was adopted May 31, 1913, provides that United States senators shall be elected by the people.—ED.



Is it not charged that it has been accomplished in elections to other offices? and have not the conditions sometimes been such that the corruption of a very few electors in a few precincts would have elevated other candidates to the supreme magistracy? If this be true, the improvement effected by the change would not be valuable. Besides, would there not be in such a change a substitution of the principle of a confederation or of an empire for that of a federal union? There certainly would be a diminution of the division of people and the combination of them according to various and diversified interests and peculiarities of localities which it is now sought to have represented in legislation, in order that a somewhat equitable concern for so diversified and often conflicting interests may receive in a general enactment sufficient recognition. Thus far, however, the people as a whole have not been sufficiently impressed or convinced of the necessity or utility of so momentous a change.

Passing from this hasty and too brief consideration of this portion of public substantive law, it may be here permitted to state that, while the common law has been for ages an object of legal worship, nevertheless the kingdom in which it was begotten, perceiving its cramped and inadequate rules, too often denying justice or working unnecessary hardships, has been occupied during the last half century with remedial legislation better adapted to declaring justice between man and man. In so doing Great Britain has gone back many ages to adopt from the civil code whole systems of private substantive law. It was thought that when New York in 1848 adopted the code procedure a great advance in jurisprudence had been effected; but it is now well apparent that New York, instead of progressing, retrograded about twenty-four centuries, where she beheld the Roman praetor clothed

with both law and equity jurisdiction and administering justice according to "written reason."

Several centuries ago it was suggested to England to adopt the praetor's jurisdiction, "ait praetor." But though she admitted its superiority, she would not borrow or receive from the praetor, either Pagan or Christian, until the middle of the nineteenth century, when sad experience and necessity and wisdom shown in the jurisprudence of all European nations commended the universal jurisprudence of a people who alone ruled the world for many ages, gathered in its wisdom, expurgated, sublimated it in the alembic of christianity and finally left it as a legacy to modern nations, in which it is still the universal lawgiver.

Mr. Albert Watkins, historian of the Society, read a paper

JEFFERSON H. BROADY—AN APPRECIATION.

Let the brother of low degree rejoice in that he is exalted:  
But the rich in that he is made low: because as the flower  
of the grass he shall pass away. . . .

Blessed is the man that endureth temptation: for when he  
is tried he shall receive the crown of life. . . .

I do not mean in quoting these aphorisms of St. James that Jefferson H. Broady was a man of low degree in the narrow sense of the words, or that he was conspicuously a martyr. But, inasmuch as his ability and career were conspicuous, and he resisted the temptation to sacrifice wholly to Mammon,

"Mammon, the least erected spirit that fell  
From heaven . . ."

—a practice which never had been so insistent or so dominant as it became in the later years of his life—the sentiments quoted are truly suggestive of his character and so of his life work.

Justice to the dead and self-interest prompt the living not to permit the good that men do to be interred with their bones.

Judge Broady had a successful practical career. That is, he wisely adapted himself to his social environment, even to the extent of being many times an available candidate for political office. Coming to Brownville, Nemaha county, from Illinois, in 1867, he served the law as his jealous mistress until 1875, when he became a delegate to the constitutional convention of that year; and he was chosen district attorney for the second judicial district, comprising the counties of Cass, Lancaster, Nemaha, and Otoe, at the same election at which the constitution was adopted, in the fall of 1875. In 1883 he was elected judge of the first judicial district, which comprised the counties of Gage, Johnson, Nemaha, Pawnee, and Richardson; and he was reëlected at the close of his first term in 1887. In 1891 he was nominated by the democratic state convention for judge of the supreme court but, influenced mainly by the need of resuming the practice of the law, the better to support his large family of seven children, he declined the nomination, and at the close of his second judicial term, in 1891, he changed his residence to Lincoln. In the spring of 1895 he was a candidate for the office of mayor of Lincoln; in 1896 he was a candidate for membership of the federal house of representatives, and in 1902 he was a candidate for the office of attorney-general of Nebraska.

That he was three times elected to judicial offices upon his party ticket, in districts very strongly republican, shows that he possessed, in high degree, that quality of character which inspires and holds public confidence. The chief components of this quality or characteristic were, strict integrity and, allied to it, conscien-



tious and industrious devotion to the very exacting duties of his office; a clear and sound understanding of the principles of law; a sympathetic appreciation of the spirit of equity jurisprudence; and all manifested through a naïve democratic simplicity of spirit and demeanor. That these qualities were so strong and so admirable as to deserve distinguished public recognition is most creditable to Judge Broady; that they were so recognized, is equally creditable to his neighbors and other fellow citizens. He was defeated only when he ran for distinctively political offices — the immemorial common fate of democratic aspiration in Nebraska.

Judge Broady's career, as it directly affected society at large, was bound up in his work as country lawyer and judge; and it was not only well-rounded: it was uniformly and creditably successful. The country doctor and the country lawyer of the traditional type are perhaps the most useful and enviable of social functionaries. Balzac has justly immortalized the doctor; and if some other great interpreter of men and social life has not already paid the same tribute to the country lawyer, the opportunity and duty await him; and he might well adopt Judge Broady for his model. The country lawyer is the confidential "guide, philosopher and friend" of his clientele in particular and, in less degree, of his neighbors in general. In many instances he safely steers his more dependent friends or clients through the dangers and difficulties which constantly beset us all. For Mark Tapley spoke for all in a serious sense thus: "For I'm always a-bein', sometimes a-doin', and continually a-sufferin'." The country lawyer who fitly responds to his high calling, supplies, so far as may be done by proxy, thought, thrift, prudence, integrity, to his needy clients. Less seduced by social diversions than his brother of the



city bar, he is more meditative and studious; and the late Justice Miller, of the federal supreme court, observed that the great judges are commonly recruited from this wholesome and inspiring environment.

As a practitioner Judge Broady was sagaciously effective in jury cases and, by virtue of an unusually discriminating judgment and presentation of points at issue and an industrious examination of the learning and precedent affecting his cases, he was also strong before the courts. In the pioneer days his high character and safe and honest counsel distinguished him from a class of lawyers who are especially numerous in new communities. He therefore exercised a strong and wholesome positive and restraining influence in the earlier constructive period of the state. On the same account, he was recognized as one among a half dozen leaders in the constitutional convention of 1875.

I am persuaded that Judge Broady, confronted by the temptations of the now distinctively commercialized practice, often and effectively asked himself, "What shall a man give in exchange for his soul?"

The nurture and admonition of the old school democracy, in which Judge Broady was brought up, blended with a tincture of the spirit of the old school lawyer, of a wholesome but not reactionary strength, distinguished, if it did not characterize his social relations and attitude. This old spirit of democracy included an innate or instinctive regard for individual rights, freedom, and feelings, and for economy in public expenditure and the conservation of old and tried principles of social organization and government. Through these qualities he exercised a measurable and wholesome restraint in the formation of the new commonwealth against the antipodal aggressiveness of the dominant party which, coming into

control, so far as possession of the government could give it, of the richest material resources with which any people has ever been endowed and at a time when almost miraculously potent forces and machinery for the development of those resources were discovered and invented, yielded to the temptation to exploit them at once; and, perforce, too abruptly and sweepingly, overriding old landmarks, precedents, and consideration of the individual—all resulting in a “prosperity” inevitably so concentrated as to defy equity and so fabulously luxurious as to lead to national lust.

Coming from the simple scenes and methods which during a quarter of a century of active association had molded and stamped him, to the relatively urbanized and cosmopolitan society of Lincoln, after he had passed the prime meridian of life, Judge Broady never quite adapted himself to the new conditions, and so was at some disadvantage—which affected his wonted prominence and professional success. Shrinkage of property, in which he had with over-confidence in the immediate future of Lincoln somewhat over-invested, seriously depleted the modest acquisition which would have saved him from financial solicitude or embarrassment in declining health and years. Though he met this misfortune with fine fortitude, yet such reverses, coming when it is too late to recover from them, remorselessly pierce through the best-tempered philosophic armor into that keen sensitiveness of obligation to family and to business standing which, in Judge Broady’s case, lay beneath it.

The most admirable phase of Judge Broady’s career, I think, was and is the mutual loyalty of the father and the family through the ups and downs of life and in and after the hour and article of death. This phase is easily the finest of a comprehensively fine life, because the fam-

ily solidarity it exemplified is the foundation of our social structure, which, instead of strengthening with age, the better to sustain the increasingly diverse and complex superstructural institutions, is the rather weakening with the weakening hold of those fundamental moral sanctions.

Therefore it is that, however valuable his wider public services, his service to society in raising and educating well a family, in many aspects now regarded as un-American in numbers, but in which unity and confidence and contentment were an inspiration, crowns them all; and, alone and fairly, that service has won him the plaudit, "Well done, thou good and faithful servant..."

The vicissitude of Judge Broady's life, which is the fate of all lives and is harrowing to all finely sensitive souls, suggests how incongruously society has commercialized the admonition of St. James, "But be ye doers of the word, and not hearers only. . ." An otherwise beautiful hymn of Montgomery's is spoiled, I think, by its emphasis of the reward sanction or motive.

"Ne'er think the vict'ry won  
Nor lay thine armor down;  
The work of faith will not be done  
Till thou obtain the crown."

I like better the spirit of our modern interpreters of life. The woman and mother, getting a little the better of the philosopher in Romola, she thus excuses the weakly dastard, Tito, to his children: "The world was not very kind to him, and he saw meaner men than himself put into higher places because they could flatter and say what was false." The boy Lillo said he wanted greatness and great pleasure too; to which Romola replied: "There are so many things wrong and difficult in the world, that no man can be great — he can hardly keep himself from wick-



edness — unless he gives up thinking much about pleasure or rewards and gets strength to endure what is hard and painful.” And Stevenson speaks truth and shames the old main motive of Christian devotion when he says: “The soul of piety was killed long ago by that idea of reward. Nor is happiness, whether eternal or temporal, the reward that mankind seeks. Happinesses are but his wayside campings; his soul is in the journey; he was born for the struggle, and only tastes life in effort and on the condition that he is opposed.” And Hardy: “The beauty or ugliness of a character lay, not only in its achievements, but in its aims and impulses; its true history lay, not among things done, but among things willed.” The catastrophe of Ibsen’s *A Doll’s House* is the climax of rebellion against our mid-summer madness for doing — even in its altruistic phase — at the expense of being. Not until living shall run a far less extreme and obtrusive journey into the idolatrous field of action shall we properly appreciate the “old-fashioned” devotion of our departed friend to principle and the idealism which he unobtrusively but hospitably entertained as his guest. And I am not sure that until that change begins, at least, life as normally lived about us every day, is worth living at all — except in the satisfaction of helping to bring the change about.

The foregoing sketch suggested to Mrs. Anna Broady Avery, daughter of Judge Broady, the following observations touching the character and career of her father, which serve as a valuable supplement to the address proper.

. . . Your hint that his personality offers a type to the literary interpreter of life — the novelist — suggests many things in the way of side lights to my mind. As you know his early years were lived in a most interesting environment, at a most interesting period: on the very ground and in the



atmosphere of the Lincoln-Douglas episodes. These influences went far toward forming the ideals of this impressionable and somewhat mystical-minded boy. Chance, or the general drift of things, later brought him to the most opportune place for a young man of his temperament to become a force. Brownville, on the river, just over the way from Missouri and Kansas, was teeming with all kinds of life and work, picking their way out of the tangle made by the war. A town full of action and romance, furnishing inspiration and plenty of work to do to the young man of purpose and ideals. You, who seem to understand the meanings of things, will see how the setting and the man were suited; how they brought out the best, each from the other.

An illustrated lecture on the historical geography of Nebraska by Professor Clark E. Persinger concluded the regular program. Professor Persinger spoke extemporaneously and no stenographic report was made of his lecture.

At the close of the program, on motion of S. L. Geisthardt, the meeting adjourned until Wednesday, January 13, 2. P. M.

#### BUSINESS SESSION.

The Society met in business session Wednesday, January 13, at two o'clock in the afternoon, Robert Harvey, first vice president, presiding. It being apparent that a quorum was present the roll call was dispensed with, as was also the reading of the minutes of the last annual meeting. The report of the secretary was then presented and, on motion of Lorenzo Crounse, duly seconded, was adopted.

#### REPORT OF THE SECRETARY FOR THE YEAR ENDING DECEMBER 31, 1908.

*To the Members of the Nebraska State Historical Society:*

I herewith submit my report for the year just ended, and beg to express my appreciation of the earnest co-

operation which has been received from members of the Society, and especially from the members of the board of directors. As the minutes of the regular and special meetings of the board, which accompany this report, present in detail the transactions of that body, it has not seemed necessary for the secretary to do more than summarize the work of the year in the various departments.

#### THE YEAR'S WORK.

While there has at all times been more work to do than could be properly done with our limited facilities and in our crowded condition, there has been much to encourage in the advancement that has been made. The appropriation of \$25,000 by the legislature of 1907, for the purpose of laying the foundation of a great library and museum building, has given the work of the Society a new impetus and increased the enthusiasm of its friends. The classifying and cataloguing of the library and the binding of accumulated newspapers has made accessible the valuable material on hand and increased the usefulness of the Society's collections. This work in both the library and the museum has been continued during the year, and substantial progress has been made in both departments. The completion of the second volume of *Nebraska Constitutional Conventions* adds a valuable book to the list of the Society's publications, and it is hoped that the two remaining volumes of this series may be completed during the present year. The acquisition of two hundred new members for the year has been a very gratifying indication of the growing interest in our work. The Nebraska Territorial Pioneers Association, an allied organization, has shown a corresponding increase in membership, and in general activity.

Your secretary has sought to maintain a cordial and

coöperative relationship with national, state and local historical societies, departments of history, and library and museum associations. At the annual meeting of the Mississippi Valley Historical Association, held at Lake Minnetonka, Minnesota, June 22-23, and at the semi-annual meeting of the same organization, and the meeting of the American Historical Association held at Washington, District of Columbia, and Richmond, Virginia, December 28-31, the Society was represented by your secretary. Several valuable additions have been made to the museum and library, principally by gift and exchange. Many Nebraska newspapers, not heretofore received, have been added to the regular files, and there are few progressive newspaper men in the state who do not now recognize the importance of having preserved here a complete file of their paper. The legislative reference department has rendered efficient service to members of the legislature, and has furnished a large amount of reference material to school principals and superintendents for use by the Nebraska High School Debating League.

The work of the Society covers a wide field, and it is the purpose of the management to render the greatest possible public service at the minimum cost. Indeed, work which needed to be done, although entirely outside of the legitimate field of the Society, has been undertaken because of its seeming importance. Such, for instance, as the legislative reference library, the furnishing of reference material upon social and political problems to high school and college debating teams, and the operation of a general information and reference bureau for the benefit of the public. Important as are all of these things, some of them must of necessity be given up, unless the legislative appropriation for the maintenance of the Society is materially increased.



## NEW BUILDING.

Among the more important activities which have engaged the attention of your officers and board of directors during the year just closed is the matter of securing a site for the proposed library and museum building. In this work we have had the active and effective coöperation of the city officials, and the officers and members of the Lincoln Commercial Club.

In accordance with the provision of the act of the legislature, approved April 10, 1907, the city of Lincoln, through the aid of leading citizens, provided the money for the purchase of half a block of ground on Sixteenth Street between H and J streets, facing capitol square. The cost of this site was \$37,000. Of this amount \$27,000 was appropriated by the city council of Lincoln, one half to be paid in September, 1908, and one half in September, 1909. As it was necessary to have the cash immediately, this amount was advanced by citizens of Lincoln. The balance of \$10,000 necessary for the purchase of the site was realized from the sale to Miller & Paine of the three houses at the corner of J and Sixteenth streets. The ground which they occupy was leased to the same firm for a term of five years at an annual rental of \$1. The smaller house at the corner of Sixteenth and H streets was sold to S. A. Foster for \$300 and removed from the ground. Of this amount \$95.76 was used to pay the paving tax against lots 6, 7 and 8 and paid by the former owner during the time that negotiations were pending. The balance of \$204.24 is now held by the Commercial Club committee and will be appropriated to the payment of the paving taxes.

On September 10 we received from the city of Lincoln warrants for \$13,987.60, being half of the amount



appropriated by the city, with interest on the whole amount for four months at five per cent. These warrants were sold to W. E. Barkley, at par, and after paying to each subscriber to the fund half of the amount of his subscription, with interest at five per cent., there was a balance left of \$20.95, which is held to be applied to the payment of the unpaid paving taxes. The property is deeded to the Nebraska State Historical Society, the deeds are recorded, and in the possession of the secretary. There remains no legal claim against the property except the paving taxes, amounting to \$798.12, not yet due, and which it is expected the city will provide for. Preparations have been made to erect on this site the wing of a building as contemplated by the act referred to. Mr. George A. Berlinghof, of Lincoln, Nebraska, was elected as architect and superintendent and has prepared plans for a structure 108 feet 8 inches x 237 feet 10 inches, to occupy the entire half block. The wing of this building, to be erected at this time, is to be 82 feet 5 inches x 108 feet, 8 inches.

#### LIBRARY.

The work of classifying and cataloguing the library, begun last year, has gone forward as rapidly as the varied duties of the librarian would permit. During the year, 1,233 titles have been catalogued, and the librarian has personally cleaned, mended, temporarily bound and catalogued many of the old pamphlets, maps and manuscripts, which have thus become available for public use. Duplicates of government publications have been checked over, and 2,700 titles returned to the superintendent of public documents at Washington, thereby affording more space for the handling of the remaining duplicates, to which there have been added during the year five hun-

dred titles. The work of exchanging duplicates has not received special attention, as it has seemed more practical, with the limited number of helpers, to direct the energy of the library force toward the classifying and cataloguing of the large amount of material already on hand, rather than toward accumulating more books that could not be put into condition to be used. A number of comparatively rare books have been added, however, when it was possible to secure them as a gift or to purchase them at a bargain.

Aside from the duplicates there have been added to the library for the year two thousand titles, making a total of 30,550 titles now upon our shelves. Valuable donations of books, manuscripts, maps and pictures have been received from the following named friends of the Society:

Edwin Maxey, Lincoln.  
 Richard L. Metcalfe, Lincoln.  
 William Stolley, Grand Island.  
 Frank R. Grover, Chicago, Ill.  
 Dr. George L. Miller, Omaha.  
 Robert F. Gilder, Omaha.  
 Adoniram J. Leach, Neligh.  
 Justus L. Cozad, Cleveland,  
   Ohio.  
 Albert L. Candy, Lincoln.  
 S. Adelbert Gardiner, Lincoln.  
 Albert L. Mohler, Omaha.  
 Rev. S. Goldsmith, Fairbury.  
 Thaddeus L. Bolton, Lincoln.  
 Charles E. Bessey, Lincoln.  
 Merton J. Clay, Chicago, Ill.  
 Mary H. Williams, Juniata.  
 Ammi L. Bixby, Lincoln.  
 Mrs. Silas Garber, Red Cloud.  
 Mrs. Agnes Chapman,  
   Plattsmouth.  
 Horace S. Wiggins, Lincoln.  
 Charles W. Bryan, Lincoln.  
 Rev. Michael A. Shine,  
   Plattsmouth.

Robert Harvey, Lincoln.  
 Joseph J. Breen, South  
   Omaha.  
 J. R. Campbell, Omaha.  
 Dr. Ehme E. Auke, Cortland.  
 Charles L. Dudley, Omaha.  
 Tjark F. Memmen, Lincoln.  
 Grace Sorenson, Omaha.  
 Albert Watkins, Lincoln.  
 Dr. William Green, Lincoln.  
 Jerome Wiltsee, Falls City.  
 Mrs. William B. Lambert,  
   Neligh.  
 Dr. Charles C. Moyer, Lincoln.  
 John L. Teeters, Lincoln.  
 Wilson Straley, Nelson.  
 John F. Kees, Beatrice.  
 Dr. Henry B. Ward, Lincoln.  
 Samuel B. Iams, Lincoln.  
 Elof Nilsson, Lincoln.  
 Miss Eva M. Todd, Lincoln.  
 Dr. John S. Leonhardt,  
   Lincoln.  
 Mrs. Catherine E. Lacey,  
   Omaha.

The library was officially represented by the librarian, Mrs. Minnie P. Knotts, at the American Library Association meeting held at Lake Minnetonka, Minnesota, June 22-27, and at the annual meeting of the Nebraska State Library Association held at Hastings, Nebraska, October 20-21. The thanks of the Society are due to Miss Charlotte Templeton for valuable and timely assistance given to the librarian in the work of cataloguing.

#### MUSEUM.

The museum of the Society is growing, not only in size, but in the importance of its work. Mr. Blackman has carried forward the field work with energy and zeal during the past year, and his explorations of Indian village sites have added materially to the definite information we already have of the character and habits of the occupants of this plains region before the advent of the white man. There is only a part of the year that field work can profitably be done. The remaining time is put in by the archaeologist in arranging and labeling specimens in the museum and in lecture work. During the month of May Mr. Blackman attended the meeting of the American Museum Association held in Chicago, and upon his return trip, at the request of Mr. Edgar R. Harlan, explored and reported upon the mound which had been excavated near Boone, Iowa, by the Historical Department of Iowa. During the month of June he conducted some investigations in the vicinity of Blair, Nebraska, and discovered another Indian village site. During the same month he spent some time in the vicinity of Tekamah, where he opened a mound and unearthed five skeletons, and found some Indian relics. In September he continued explorations with Mr. Robert Gilder south of South Omaha, and with Alvin and Elmer McReynolds at Nehawka, where he



found a new flint quarry. Later in the same month he made a trip to Blue Springs, and, assisted by Walter Rice, he explored a newly found village site; going from there to Nelson, thence to Red Cloud and to Bloomington. At the latter place he made an important find of stratified flints on the hills south of town. From Bloomington he went to Guide Rock, where he obtained the files of the *Guide Rock Beacon*, completing his trip at Fairbury, Jefferson county, the third of October. From October 13 to 18 he was engaged in explorations at Battle Creek, O'Neill, Clearwater, and Oakdale. Mr. Blackman has delivered many lectures during the year and has planned for some more in the near future. Among the places where he has spoken before teachers' institutes and other bodies are Lincoln (Longfellow school), Fairbury and Geneva.

Among the most notable collections of archeological and Indian material received during the year is that presented by Charles H. Morrill of Lincoln. This collection includes over 10,000 chipped flints, stone implements, beaded work and a rare and unique colored portrait of Buffalo Bill. Among other contributions received, and worthy of mention, are the following: William F. Cody (Buffalo Bill), mounted buffalo; Alvin and Elmer McReynolds, Nehawka, flints from the Nehawka mines; A. L. Hopkins, Oakdale, a gift of 2,000 chipped flints; Walter Rice, Blue Springs, a large collection of flints; L. B. Miller, Bloomington, a fine collection of flints from the Republican Valley; Daniel B. Cropsey, Fairbury, a sectional map of Jefferson county; J. A. Henderson, Clearwater, geological specimens, and Indian relics; S. C. Coombs, Winnebago, Indian relics and beaded case, secured by A. E. Sheldon; Grand Army of the republic, Minden, stump of the first flag pole erected on the parade



ground at Fort Kearny; T. A. Stratton, Lincoln, miscellaneous collection; Frank M. Tyrrell, specimens of the work of beavers from the Niobrara river in Cherry county; Charles White, Phillips, a large collection of guns and beaded work. Mr. White, who is known as "Buckskin Charley" was a government scout on the frontier in the early days.

#### FIELD WORK.

The director of field work, Mr. A. E. Sheldon, was out of the state the first five months of the year, on leave of absence. Returning on June 1, he resumed his duties with the Society and has since been actively engaged in his particular lines of work. Among the important things accomplished by Mr. Sheldon during the past few months has been the temporary rescue from destruction of the Presbyterian Mission building on the Omaha reservation. The title to this building is in Noah La Flesche, and the title to the land is in the Omaha tribe. Mr. Sheldon is now working upon a plan to provide for the purchase of this building from La Flesche, and to secure from the council of the Omaha tribe the conveyance of a small tract of land surrounding it. Upon a field trip the latter part of August he visited the old settlers reunion of Sarpy and Dakota counties and secured much historical data and several Indian relics. He also was fortunate in obtaining the early records of the Dakota County Old Settlers Association, which have been copied. Mr. Sheldon has also made a transcript, in duplicate, of the journal of the constitutional convention of 1875, from the originals in the office of the secretary of state. This is to form a part of the last two volumes of the *Nebraska Constitutional Conventions* series, now in course of preparation. He is also engaged upon a plan to encourage the writing

of true stories of Nebraska history by the school children of the state. This plan, which is in the nature of a contest, will tend to interest the school children in Nebraska history, and to establish a closer relationship between both pupils and teachers and the State Historical Society.

#### LEGISLATIVE REFERENCE DEPARTMENT.

The work of this department is not strictly in line with the objects of the State Historical Society, but has been undertaken because of its seeming usefulness to the public, and because no other provision had been made for this particular service. The time will doubtless come when some permanent arrangement will be made by the legislature for the maintenance of this important work, upon an independent basis. Until such time it should probably be continued as a part of the work of this Society. Much new material has been assembled in this department, and all has been carefully rearranged and minutely classified. Mr. Sheldon continues as head of this department, assisted by Mr. William E. Hannan, and by Miss Julia Constancer as stenographer. At the present time the work is being conducted in an able and aggressive manner, and without prejudice or partisan bias. The members of the present legislature will doubtless find, as did the members of the last session, that this department is of great assistance to them in the performance of their public duties.

#### NEWSPAPER DEPARTMENT.

The newspaper work in this department is under the immediate charge of William E. Hannan, who has organized the collection in a manner calculated to make it of the greatest use to the public. Mr. Hannan represented the Society in an address before the annual meeting of the

Nebraska State Press Association, where he secured the adoption of a resolution by that body which has resulted in enlisting the sympathy and support of many of the editors of the state who had heretofore manifested but little interest in the Society. Since the first of January, 1908, 173 Nebraska newspapers have been added to those regularly received by the Society, making a total of 484 Nebraska papers, and 36 foreign papers now being received. During the year there have been bound 16 volumes of dailies and 1,312 volumes of weeklies. These have all been sorted, listed, labeled and placed upon the shelves. A large collection of newspapers were received during the year from the estate of the late William B. Lambert, of Neligh. This collection amounted to 6,000 pounds in weight, and upon its receipt was placed in storage in the basement vaults of the capitol until such a time as we should have room in a building of our own. Among the notable additions of rare newspapers during the year are four bound volumes of the *New York Tribune* covering the period from January 2, 1858, to December 18, 1867. There remains the important work of cataloguing the files of Nebraska newspapers, upon which a start has been made.

#### NEBRASKA TERRITORIAL PIONEERS ASSOCIATION.

For several years the expenses of this organization have been paid out of the funds of the State Historical Society. During the past two years your secretary, as secretary-treasurer of the Nebraska Territorial Pioneers Association, has been able to defray nearly all the expenses of the association from its own treasury, and for the past year the organization has been wholly self-supporting. The meeting last January was remarkably well attended and a lively interest shown. The summer meet-



ing of the association, held July 10-11 at Lincoln and Milford, was not largely attended owing to the fact that the date of the meeting followed so closely after the serious flood that railway communication had not been reëstablished. During the year 86 new names have been added to the membership roll of the Nebraska Territorial Pioneers Association, making a total of 304 members enrolled, of whom 35 are deceased. A certificate of membership has been issued to all members, and a permanent membership register has been prepared. This record shows the name, address, date of election, date of payment of fee, date and place of settlement in Nebraska, and date and place of birth. This enrollment of itself ought to be of great value in the years to come. The benefits derived from this association are not limited to the members, for it is one of the live agencies of the Historical Society in accumulating historical and biographical data and relics; and best of all it inspires in the minds and hearts of younger Nebraskans a pride in their state and its institutions and a wholesome respect for the founders and builders of the commonwealth.

#### LOCAL HISTORICAL SOCIETIES.

In my report of last year I had the honor to recommend that everything possible be done to encourage local historical societies and old settlers associations, and that plans be made for some form of permanent affiliation between these organizations and this Society. In accordance with this recommendation an amendment to the constitution was proposed at the last annual meeting, providing that any such local organization might become an affiliated member of this Society. This amendment had the endorsement of the board of directors and this Society. It will be your privilege to adopt it at this ses-



sion. Looking forward to such affiliation it has been the policy of your secretary during the past year to keep in close communication with these local organizations, to have some member of the office staff present at their meetings, to encourage them to report their proceedings to this Society, and to place in our collection important papers that should be preserved. At the annual meetings of several of these organizations this Society was represented by Mr. Sheldon, and at the Home Coming Day celebration, held in Brownville, August 28, the Society was represented by the librarian, Mrs. Minnie P. Knotts, and by Mr. Albert Watkins, both of whom had a place upon the program. A few weeks later the Nemaha County Historical Society voted unanimously to become an affiliated member of the state society, and reported the proceedings of its meeting, with a history of the organization and a copy of the papers presented. Similar reports have been received from the Sarpy County Old Settlers Association, the South Omaha Historical Society, and the Dakota County Old Settlers Association, and others will take action on the proposition at an early date. This plan is going to bring us into closer association with those who are interested in this line of work in every county and will aid materially in the collection of local historical data.

#### MARKING HISTORICAL SITES.

The most important work in this connection during the year was done by our vice president, Mr. Robert Harvey, who has located the site of the famous battle near Ash Hollow, between the United States troops under General Harney and the Sioux Indians, in 1855. After an interview with General Richard C. Drum, who participated in this engagement, and a personal visit to the site,

Mr. Harvey feels that he has accurately determined the location of this historic battle field, and steps ought to be taken at once to erect thereon a permanent monument. The secretary has had during the year several conferences with the representatives of the Daughters of the American Revolution, with reference to the marking of the overland trails of Nebraska. The Daughters have finally agreed to take the initiative and ask the coöperation of this Society. We have also kept in close touch with Mr. Ezra Meeker, who has had introduced in Congress a bill known as H. R. 11,722, "authorizing the president to appoint a commissioner to supervise the erection of monuments and markers, and locate the general route of the Oregon trail." This bill provides for an appropriation of \$50,000 for the purpose of marking this trail from the Missouri river to Puget Sound. Mr. Meeker requests our coöperation in securing the passage of this bill. If the bill becomes a law, it will only be necessary for us to mark the minor trails converging into the general trail crossing the state.<sup>1</sup> A copy of the resolution adopted at the last annual meeting, commending the effort to establish a national reserve, embracing the site of Fort Kearny, was forwarded to each member of our delegation in Congress, practically all of whom have pledged their hearty coöperation.

It is recommended that immediate steps be taken to

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<sup>1</sup> The bill was introduced by Representative Humphrey, of Washington, at the first session of the sixtieth Congress, January 6, 1908, and again introduced as H. R. 20477 on April 8. This bill was referred to the committee on the library and on May 19 was reported back by its chairman, Samuel W. McCall, now (1916) governor of Massachusetts. The report recommended the passage of the bill, and it was referred to the committee of the whole, but no further action upon it was taken. (Congressional Record, first session sixtieth Congress, page 479; *ibid.*, 6564; House Reports, first session sixtieth Congress, volume II, document 1701, serial number, 5226.)—Ed.

place a bronze tablet on the M. E. Smith & Co. building at Omaha, which occupies the site of the building temporarily occupied as a territorial capitol. A similar tablet should be placed on the high school building at Omaha, designating that it occupies the site of the permanent territorial capitol.

#### PUBLIC ARCHIVES.

Under the present law the State Historical Society is made the custodian of the public archives of the state, provided that such archives are more than twenty years old, and that the officer in whose charge they may be found is willing to give them up; and provided, further, that the Historical Society can find the means of taking care of them. This law is greatly in need of amendment, if the public records of this state are to be preserved. A great quantity of public archives of inestimable value is now decaying in the basement of the capitol. Tons of these papers, some of them dating back to territorial days and of priceless value, have been burned by janitors in the past, and every year witnesses their further destruction. Many of these have been water-soaked by leaking steam pipes, and the odor arising from their decaying condition is at times unbearable in the basement vaults, where they are found. The condition prevailing in our state capitol is, on a minor scale, duplicated in many of the county courthouses of the state. There are two things that ought to be done at once: first, amend the law so as to make it mandatory upon the officer in charge to turn over records of his office that are twenty years old, and leaving it optional with him as to whether he will transfer to the Historical Society records of a later date that are no longer useful in his office; and, second, the Historical Society should be provided with means to em-



ploy the help necessary to care for these records. In this matter of the preservation of public archives the state of Nebraska is far behind other western states, not to mention the older commonwealths of the East.

#### TRAVELING LIBRARIES.

Another subject to which we are giving our attention is the matter of assembling a number of traveling libraries of Nebraska history. Frequent requests are received from local and school libraries, clubs and individuals for material bearing upon Nebraska's history. Our plan is to have several collections of books and pamphlets on Nebraska history in boxes convenient for shipment to be sent out under proper conditions in response to these demands. Your secretary believes that this proposition carefully worked out will be one of the most valuable and popular features of our work.

#### PUBLICATIONS.

There have been issued from the press during the year two volumes of publications, volume XII, which is the second volume of the *Nebraska Constitutional Conventions* series, and volume XV, which is composed of proceedings and collections. Out of the special appropriation for printing the *Nebraska Constitutional Conventions* series, 144 pages of the third volume of this series have also been printed. This exhausted the special appropriation for this purpose, and the work cannot be continued until additional funds are obtained. It is believed that the remaining two volumes of this series can be completed during the coming year, and it will also be necessary to publish one volume of the proceedings and collections, of which the present report will constitute a part.



## EXCHANGES.

Under the present law the State Historical Society receives fifty copies of all state publications, except supreme court reports. These, together with our own publications, enable us to exchange with neighboring states and the federal government, receiving in this way more valuable material than we are able to care for with our limited resources. During the year just passed we have received from these sources hundreds of titles, the largest shipments coming from Missouri — 420 titles, and Wisconsin — 232 titles, and smaller numbers from other states. We have not pushed this work of exchange, nor is it wise to do so until funds are provided with which to employ help to take care of these additions.

## PORTRAITS.

During the year we have received several large, framed portraits. Among them a pastel of Governor Silas Garber, contributed by Mrs. Garber, and a unique colored portrait of William F. Cody, donated by Charles H. Morrill. We have the promise of many fine additions to this collection as soon as we are in our new building. A great many photographs of pioneers have been received during the year, but these are too numerous to mention in detail in this report.

## EXECUTIVE BOARD.

Your executive board has held ten meetings during the year. Great personal sacrifices have been made by some of the members of the board to be present at these meetings, as under our present constitution it requires the presence of five of the nine members to constitute a quorum. This difficulty in securing a quorum is an ever-present one, and some provision should be made to rem-

edy this defect in our organization. I therefore recommend that the board be enlarged to twelve members and that the state superintendent of public instruction be made an *ex officio* member; that two members at large be elected by the Society, and that the number necessary to constitute a quorum remain the same as at present. I recommend also that the constitution be so amended as to provide for a president of the Society, to be elected by the Society, and a chairman of the board, to be elected by the board, and that the duties and responsibilities of each be clearly defined.

A NOTABLE PIONEER.

During the year we have located the only surviving members of the first territorial House of Representatives of Nebraska, in the person of David Marshall Johnston, now residing at Otego, Jewel county, Kansas. The first territorial legislature of Nebraska was composed of a Council of thirteen members, and a House of twenty-six members. Of these there are known to be surviving only two members of the Council, and one member of the House; Samuel E. Rogers of Omaha, and Hiram P. Bennett of Denver, of the Council, and Mr. Johnston of the House. Mr. Johnston has dictated his recollections of the early days of Nebraska to a representative of this Society, and we have secured from him many interesting details of this first legislative session. He is now very old, and can in all probability live but a short time and friends have appealed to your secretary to take up with the proper authorities the matter of securing for him, from the state, a small pension to aid in his support during his declining days. This, we think, would be establishing a bad precedent, and is a proposition that the legislators would not be likely to look upon with favor, but it does seem

that some plan might be devised whereby the last days of this distinguished pioneer might be secured against want.

#### NECROLOGY.

During the year deaths of members of the Society have been reported as follows:

Edward Martial Coffin, Omaha.	S. Adelbert Gardiner, Lincoln.
Richard Dibble, Beatrice.	John P. Loder, Waverly.
Alfred Darlow, Omaha.	William B. Lambert, Neligh.
George P. Marvin, Beatrice.	Jefferson H. Broady, Lincoln.
Isaac S. Hascall, Omaha.	John M. Brockman, Stella.
Charles W. Pierce, Nebraska City.	George W. Hawke, Nebraska City.
George D. Bennett, Lincoln.	Harrison F. Cook, Beatrice.

#### MEMBERSHIP.

The total number of names on the membership roll on this date is 712, of whom 119 are deceased. During the year just closed 200 members have been added to the list. More than a half of the names on the membership register of the Society have been placed there during the last two years, and more than one fourth of the total number have been added during the years just ended. Every new member means a new and enthusiastic friend of the work of building up the Society's collections and increasing its usefulness to the state. A complete system of registering the names of members, with date of payment of fees and election, and a record of the publications they have received, has been installed, and every living member has been supplied with a numbered certificate of membership.

#### FINANCES.

The system of financial records put into effect last year has been faithfully followed, and a careful memo-



random kept of every financial transaction. This has made it possible to conduct the business affairs of the Society in an orderly manner, without confusion or annoyance, and anyone interested can readily ascertain at any time the exact financial condition of the institution. The special appropriation of \$25,000 for a building fund has not been drawn upon and remains intact in the hands of the state treasurer. The contracts to be let according to plans and specifications, and to be paid for out of this fund will practically exhaust it. Whatever remains on August 31, 1909, will lapse. Of the \$15,000 appropriated by the legislature of 1907 for the maintenance of the Society during the biennium there has been expended \$12,402.03, leaving a balance of \$2,597.97. There is also \$564.01 in the hands of the treasurer of the Society, making a total of \$3,161.98 available for the expenses of the Society till April 1, 1909.

## FINANCIAL STATEMENT.

## CURRENT RECEIPTS AND EXPENSES, 1908.

Cash in hands of treasurer of Society, December 31, 1907.....	\$271.94
Unexpended balance of state appropriation of 1907.....	10,135.17
Total .....	\$10,407.11

## Receipts, 1908.

Membership fees .....	396.00
Miscellaneous receipts .....	29.89
Total .....	425.89
	<hr/>
	\$10,833.00

## Expenses, 1908.

Salaries .....	\$4,070.79
Postage .....	174.30
Express .....	282.34

Freight and drayage.....	128.06
Telephone .....	51.84
Traveling expenses .....	345.76
Extra labor .....	169.30
Books purchased .....	187.75
Printing .....	1,076.56
Binding newspapers .....	303.50
Binding books .....	10.55
Advertising .....	16.50
Photography .....	47.12
Stationery and office supplies.....	153.36
Annual and board meetings.....	60.98
Furniture and fixtures.....	27.50
Miscellaneous expenses .....	564.81
<hr/>	
Total expenses .....	\$7,671.02
Balance .....	\$3,161.98
Cash in hands of treasurer.....	\$ 564.01
Unexpended balance, general appropria- tion 1907 .....	2,597.97
<hr/>	
Total available funds.....	\$3,161.98

#### Departmental Distribution of Expenses

Historical Society .....	\$2,596.94
Legislative Reference Bureau.....	1,933.42
Museum .....	1,127.10
Library .....	1,009.46
Newspapers .....	386.00
Salaries and expenses undistributed.....	618.10
<hr/>	
Total .....	\$7,671.02

LINCOLN, NEBRASKA, December 31, 1908.

*Dr. George L. Miller, President Nebraska State Historical Society, Lincoln, Neb.*

SIR: In accordance with your request I have examined the records, vouchers and books of accounts of the Nebraska State Historical Society in the office of the secretary, and from the same have compiled the foregoing statement of current receipts and expenses.

Nearly all the expenses of the Society are paid by warrants drawn upon the state treasurer against the legislative appropriation, and the original vouchers are therefore retained and filed by the auditor of public accounts, while a duplicate of the voucher is filed by your secretary. As a rule these duplicate

vouchers are not receipted by the payee, but I have recommended that claimants paid by state warrants be hereafter required to make their claims in duplicate and to receipt both the original and duplicate, and this will be done.

I find the books of accounts admirably planned and neatly and accurately kept. The books show at all times the expenses of the year properly classified and the amount in the hands of the treasurer of the Society and the unexpended balance of state appropriations.

Respectfully submitted,

H. S. WIGGINS, *Public Accountant*.

NOTE.—The item "Historical Society, \$2,596.94," includes charges not properly chargeable to some particular department of the Historical Society. The item "Legislative Reference Bureau, \$1,933.42," includes salaries of A. E. Sheldon, director of the department, his assistant, and his stenographer, although their time has not been exclusively devoted to that department. The item "Library, \$1,009.46," includes the salary of the librarian. The item "Miscellaneous expenses, \$564.81," includes \$500 appropriated by the board of directors and paid to the secretary, who draws no salary, in recognition of his services to the Society from April 1, 1907, to January 1, 1908.

The report of the treasurer, S. L. Geisthardt, was then presented and upon a motion by Mr. Geisthardt was referred to Horace S. Wiggins for auditing.

#### TREASURER'S REPORT FOR YEAR ENDING JANUARY 1, 1909.

*To the Officers and Members of the Nebraska State Historical Society:*

I hereby respectfully submit my report as treasurer for the year ending January 1, 1909.

I am to be charged with the receipts and disbursements shown in detail on the schedule hereunto annexed, as follows:

1908.	RECEIPTS.
Jan. 1. Balance on hand in National Bank of Commerce .....	\$274.94
1909.	
Jan. 1. Receipts for membership fees and sun- dries as per schedule, since said date	425.89
	<hr/>
Total receipts .....	\$700.83



## TREASURER'S REPORT, 1908

97

1908.

## DISBURSEMENTS.

Cash paid on warrants as per schedule hereunto  
annexed and accompanying vouchers..... 99.60  
Balance in National Bank of Commerce, per  
check herewith .....\$601.23

I submit herewith bank book duly balanced, and vouchers, and check to the order of the Society for the balance on hand.

S. L. GEISTHARDT, *Treasurer.*

Dated December 31, 1908.

S. L. GEISTHARDT, TREASURER

IN ACCOUNT WITH NEBRASKA STATE HISTORICAL SOCIETY.

1908

## RECEIPTS.

Jan. 1	Balance on hand per last report.....	\$274 94
Sept. 11	Miller & Paine, 5-year lease of lots.....	5 00
Sept. 11	C. W. Bryan, recording deed.....	1 00
Sept. 11	Iowa State Library, sale of books.....	2 00
Sept. 11	Sale of photograph.....	25
Oct. 13	State University, for freight on buffalo.....	23 64
During 1908,	197 annual membership fees @ \$2.....	394 00
Total receipts .....		\$700 83

1908.

## DISBURSEMENTS.

Feb. 6	George Bros., 200 receipts.....	\$2 25
Feb. 28	Cash, exchange on check.....	05
Feb. 28	Horace E. Deemer, expenses.....	25 00
Mch. 6	Jacob North & Co., initial index.....	9 80
Mch. 6	Hazel Smith, stenographic work.....	6 00
Mch. 10	Hazel Smith, stenographic work.....	6 00
Mch. 26	Hazel Smith, stenographic work.....	12 00
May 28	George L. Miller, expenses, 5 meetings.....	11 00
Jan. 3	Helen Howe, clerical services.....	12 00
Jan. 22	Helen Howe, clerical services.....	4 00
Sept. 22	George L. Miller, expenses board meeting.....	5 00
Nov. 10	George L. Miller, expenses board meeting.....	3 00
Dec. 17	George L. Miller, expenses board meeting.....	3 50
Total disbursements .....		99 60
Balance in National Bank of Commerce.....		\$601 23

Mr. H. S. Wiggins, appointed by the president to audit the accounts of the treasurer, made the following report:

LINCOLN, NEBR., Jan. 13, 1909.

*Hon. Robert Harvey,*

*Vice President Nebraska State Historical Society.*

SIR:

I beg to advise that the report of your treasurer, Mr. Geisthardt, of his transactions for the year ending Dec. 31, 1908, which was submitted to me for audit, has been examined and found correct, and the balance shown on hand corresponds with the bank statement of December 31, 1908.

Respectfully submitted,

H. S. WIGGINS, *Public Accountant.*

REPORT OF OBITUARY COMMITTEE.

Your committee on obituaries offers the following report:

WHEREAS, since the last annual meeting the Society has lost by death the excessively large number of fourteen members, namely:

Edward Marshall Coffin, Omaha,  
 Alfred Darlow, Omaha,  
 Isaac Hascall, Omaha,  
 S. Adelbert Gardiner, Lincoln,  
 George D. Bennett, Lincoln,  
 Jefferson H. Broady, Lincoln,  
 Richard Dibble, Beatrice,  
 George P. Marvin, Beatrice,  
 Harrison F. Cook, Beatrice,  
 Charles W. Pierce, Nebraska City,  
 George W. Hawke, Nebraska City,  
 John P. Loder, Waverly,  
 John M. Brockman, Stella,  
 William B. Lambert, Neligh,

Therefore be it

*Resolved*, That the Nebraska State Historical Society deeply deplores the loss of the fellowship of these departed members and of their faithful coöperation in its work, and recognizes especially that a goodly number of them were of those

sturdy pioneers who blazed the way through severest privation into an unpromising wilderness, thus enabling those of us who followed to profit richly by their risk and bold experiment and to fall heirs to a goodly land. The Society holds in grateful appreciation the heroic endurance and persistent faith on which they laid the firm foundation of our commonwealth.

Your committee moves the adoption of the resolution, that it be spread upon the records of the Society and that a copy be sent to the respective families of the deceased members named herein.

ANDREW J. SAWYER,  
HENRY E. PALMER,  
CHARLES WAKE.

The report was adopted.

SUPPLEMENTAL REPORT OF COMMITTEE ON PLAN OF  
ADMINISTRATION.

*To the Honorable, the Board of Directors of the Nebraska State Historical Society:*

Your committee to whom was referred the question as to what changes, if any, were advisable in the 'constitution, by-laws and plan of administration of the Society, respectfully make this as a supplemental report.

Since making our former report it has been suggested that while adopting the recommendation of the committee, centering the management of the Society absolutely in the board of directors, it might nevertheless be wise to have a set of officers of the Society to preside at the meetings of the Society, but otherwise more or less honorary, so far as duties and responsibilities of actual management are concerned. Therefore in order to bring such plan before the meeting of the Society in 1910 and allow the members to adopt the plan which may seem best, your committee recommends, in the alternative, the following amendments to the constitution:

(a) That article V of the constitution be amended to read as follows:

V. OFFICERS.

The officers of the Society shall be a president, two vice-presidents, a treasurer and a secretary. The president and vice-presidents shall be elected by ballot at the annual meeting of the Society. The treasurer and the secretary shall be elected by the board of directors. All officers shall hold office until their successors are elected and qualified.



## 100 NEBRASKA STATE HISTORICAL SOCIETY

A vacancy in any office may be filled by the board of directors for the unexpired term.

The president shall preside at the meetings of the Society, and in general shall perform the duties usually incident to the office. The vice presidents in the order of their election shall have the rights and duties of the president in his absence.

The treasurer shall collect and have charge of the funds of the Society; he shall keep the funds of the Society in its name in some safe banking house in the city of Lincoln; he shall keep a detailed account of receipts and expenditures; keep his accounts open for inspection by the board of directors; make a full report to the Society at its annual meeting and at all times when required, and pay no moneys except on warrants drawn by the chairman of the board of directors and countersigned by the superintendent. He shall give a bond for the faithful performance of his duties in the sum of two thousand dollars, and such additional sum as the Society may require, and file the same with the secretary.

The secretary shall keep the records of the meetings of the Society and the board of directors, and conduct the correspondence of the board. In connection with the president he shall make the report to the governor required by law; he shall make a full report of his doings at the annual meeting of the Society and at the quarterly meetings of the board of directors, and perform such other duties as may be required by the board.

The secretary and treasurer may each receive such salary as the board of directors may determine. No other member of the board shall receive any remuneration for his services; but he may be allowed his actual expenses in performing the duties of his office.

Any officer elected by the Society may be removed at any meeting of the Society by a two-thirds vote of those present. Officers *pro tempore* may be chosen by the Society at any meeting in the absence of the regular officers.

(b) That article VI of the constitution be amended to read as follows:

### VI.

BOARD OF DIRECTORS. The board of directors shall consist of the governor of the state, the chancellor of the state university, the head of the department of American history in the state university, and the president of the Nebraska State Press Association, *ex officio*, and five members elected by the Society at its annual meeting.

The board of directors shall be the governing body of the Society with power to manage, administer and control the dis-

position of its moneys, property, effects and affairs, subject to the constitution and by-laws.

They shall elect a chairman of the board and the treasurer and secretary of the Society. The chairman shall sign all warrants of the Society. They shall have the power to elect a superintendent as the chief administrative head of the Society, and such other employees as they may deem necessary, and to prescribe their powers, duties and compensation. They may adopt such rules for the administration of the Society's affairs as they see fit, consistent with the constitution and by-laws.

Regular meetings of the board of directors shall be held on the first Tuesday after the second Monday in January and quarterly thereafter during the year. At such meetings they shall receive reports from the secretary and other officers and employees, act on applications for membership, and transact such other business as shall seem to the Society's best interests. Special meetings of the board may be called by the president or the secretary upon five days notice to each member, specifying the object of such special meeting. Five shall constitute a quorum of the board. The order of the business at a meeting of the board of directors shall be the same as that of the Society's meeting.

Dated this 12th day of January, 1909.

S. L. GEISTHARDT,

A. J. SAWYER,

H. H. WILSON,

*Committee.*

After considerable discussion the report of the committee was adopted, and on motion of Mr. Geisthardt the by-laws were amended, as recommend by the committee in a former report.<sup>1</sup>

The following communication was presented by the secretary:

The Daughters of the American Revolution of Nebraska propose to ask for an appropriation of \$2,000 to mark the Oregon Trail across the State of Nebraska. This trail crosses fifteen counties and, judging by the number of markers required for the Santa Fe trail across Kansas, at least seventy will be needed across Nebraska. The D. A. R. of Kansas crossed twenty-two counties and put up eighty-nine markers, and patriotic societies and citizens placed six more.

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<sup>1</sup> See page 42.—ED.

It is proposed to ask the county commissioners in each county to set these markers, leaving all of the appropriation which may be allowed for the purchase of the monuments.

The Nebraska Daughters ask for the coöperation of the State Historical Society in their effort to secure the aid of the legislature and the county commissioners.

Yours respectfully,

(MRS. C. B.) A. H. LETTON, *State Regent for Nebraska.*

The secretary moved that the Society pledge its co-operation in carrying out the plans of the Daughters of the American Revolution as outlined by Mrs. Letton. Seconded and carried.

Mr. Harvey, chairman of the committee on marking historic sites, presented the report of that committee.

#### REPORT OF COMMITTEE ON MARKING HISTORIC SITES.

LINCOLN, NEBR., January 12, 1909.

*To the officers and members of the Nebraska State Historical Society:*

As chairman of the committee on the marking of historic sites I have to report that no monuments have been erected, as yet, but that considerable preliminary work has been done in the way of examining such sites as seem worthy of that distinction.

The execution of the plan of the general government in subdividing the territory by surveys in small parcels covered a period of thirty-two years beginning in 1854 and ending in 1886, and contracts were made with persons of supposed competency to discharge these difficult and often hazardous undertakings.

Much of the work of the deputy surveyors was done in a hostile Indian country in advance of white settlement. The surveyors were therefore continually exposed to danger and were obliged to be always on the alert to avoid surprise and be prepared at all times for attack. It is remarkable that so many small surveying parties were able to maintain themselves through all the years of Indian hostilities with the loss of only about a dozen men, of a few horses and mules and perhaps \$5,000 worth of camp equipage, provisions and arms.

On December 27, 1867, Nelson Buek, a surveyor of thirty-four years experience in Illinois, made application to the sur-



veyor-general of Nebraska for a contract, and in answer to a communication from the surveyor-general said that he was no more prepared to be killed by Indians than others, but thought it unlikely that he would suffer from their depredations as he intended to employ sufficient force to protect the party.

Mr. Buck was awarded contract number 22, dated July 5, 1869, by Robert R. Livingston, surveyor-general of Nebraska, for the survey of the following lines, to wit:

Fourth guide meridian west from the base line north to the first and second standard parallels, 48 miles.

First standard parallel north from the third to the fourth guide meridian, 48 miles.

Exterior lines of townships 5 to 8 inclusive, of ranges 25 to 32 west, 312 miles, a total of 408 miles.

The three-hundredth milestone on the base line west of the Missouri River, in Hitchcock county, is the initial point of the line first mentioned, and it runs between ranges 32 and 33. The first parallel above mentioned is between Hayes and Hitchcock, and Frontier and Red Willow counties.

On July 21 the contractor writes to the surveyor-general from Ft. McPherson expressing regret that he did not procure arms at Plattsmouth and that he had made application to General Augur, commanding the department of the Platte, for six Spencer rifles, or "needle breech loaders," with 200 rounds of ammunition for each gun. He said that several members of his company were discouraged at reports about hostile Indians in his territory, and they wanted arms so that all could defend if they should be attacked. This is the last communication from Mr. Buck to the surveyor-general on file with the surveying records in the office of the commissioner of public lands and buildings.

On October 2, 1869, Deputy W. E. Daugherty reported to the surveyor-general that having been unable to find Buck's lines he had instituted a search which resulted in the discovery of an old camp, a load of peeled stakes, evidently cut when the bark would peel freely; that he had traced Buck's wagon track about three miles to a place where he had camped on a creek two nights; and had found an abandoned water keg. This information was communicated to military headquarters, and a reconnoitering party, under command of Lieut. Jacob Almy, Fifth cavalry, spent some time in scouting on the Republican River and tributaries. Lieutenant Almy reported to his commanding officer that about August 20, when cherries were ripe, the Indians under Pawnee Killer and Whistler were moving from the Republican valley to Beaver Creek, crossing between Frenchman's Fork and Red Willow; that four young Indians were in advance and one of them returned and reported that the

other three were killed by white men who were not soldiers; and that one white man had been killed.

The squaws and children went into the brush and the men went towards the Beaver to fight. Returning at dark they reported that they had killed five more white men and destroyed two wagons.

In August, 1869, I was employed in Mr. Allason's surveying party, and on the twenty-second, as we were traveling on the old Ben Holladay stage line from Fort McPherson to O'Fallon's Bluff, we were overtaken by a herd of cattle. Among the herders was a young man who, on learning who we were, informed us that he had recently quit Buck's party because it was so poorly armed; that it had been on the Red Willow looking for the monuments on the second parallel which we had established two months before, but had returned to McPherson for more arms.<sup>1</sup>

In 1871, I was employed by the land department of the Union Pacific Railroad Company to examine its lands in the Platte valley, preparatory to their being placed on the market, and while at McPherson got acquainted with a young man who was the keeper of the tollgate on John Burke's bridge over the north channel of the Platte river. In May of the following year, being still in the same employ, while examining land near Gibbon, Buffalo county, one afternoon, I took shelter from a rain storm in the shack of a young homesteader and remained there over night. I recognized in my host the keeper of the tollgate. He said that he belonged to the Fifth cavalry in 1869; was with the reconnoitering expedition which found the trail of Buck's party, and had traced it from the Republican to Beaver Creek; and that on crossing the table-land he discovered evidences of a running fight and the flight of the party, shown by the running of the teams over smooth ground and downhill. One wagon was found backed into Beaver Creek among some box-elder and willow bushes. My informant also said that his party found a number of dead Indians buried in tree-tops, but my recollection is that he said that no bodies of white men were found.

W. E. Daugherty completed the survey of the important lines of Buck's contract; and in a footnote of his field notes he says that the Buck surveying party was massacred on the southwest quarter section 31, township 1, range 28, west. In 1872 this township was subdivided into sections by George W.

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<sup>1</sup> The young herder referred to by Mr. Harvey was H. B. McGregor. Mr. John F. Cordeal of McCook, Nebraska, discovered Mr. McGregor's post office address and procured from him a statement of facts. It follows this narrative, page 106.—Ed.







SUPPOSED SITE OF THE BUCK TRAGEDY.

Fairfield, and at the southwest corner of section 31 of his map is found this statement:

"Nelson Buck and party murdered here by Indians."

In May of 1908, as state surveyor, I went to Danbury to make an examination of the line between sections 30 and 31, township 1 north, range 28 west which was in dispute between the adjacent landowners, and learned that it was at least a matter of local notoriety that the Nelson Buck surveying party was massacred in a bend of Beaver Creek in section 31, about half a mile south of the disputed line. After considerable inquiry I found an old man, Mr. John Conners, who settled on the Beaver near this place in 1873 or 1874, and he informed me that he found a number of bones in a bend of the creek and the running gear of a wagon in the creek behind some box-elder bushes, as though it had been run backwards into the stream, and that in after years a bone picker came along and gathered up the bones, some of which he was satisfied were those of animals and carried them away.

From the quarter section between section 31 and 36, township 1 north, ranges 28 and 29, the stake shown at extreme left of picture bears s. 56 degrees 40 minutes e. 24 chains distant.

A woman living on the next section, who he said was quite well educated and understood the anatomy of the human body, examined the bones and said that some of them were human. Mr. Conners pointed out to me the place where the bones lay and the box-elder bush behind which the wagon had been found in the creek. I drove a stake at the point indicated by him as the position of the bones and afterward determined its location in the section from the quarter section corner between sections 31 and 36. The bearing of the stake is s. 50 degrees 40 minutes e. 24 chains distant.

A young man where I boarded took two views of the location with a kodak which show the stake, before mentioned, and myself standing in front of the box-elder bush. One of these views and a sketch of the creek with the bearing and distance from the quarter corner is herewith filed and made a part of this report.

It will be noted that in the story, as above narrated, there is a continuity of the facts gathered from the different sources which could not well have been the result of collusion. It will also be noted that there is a disagreement in the opinion of the woman that some of the bones were human, and the statement of the young soldier, as I recollect, that his party did not find the bodies of any white men. This is emphasized somewhat by the statement of Mr. Conners that he never saw any human skulls among the bones.

From the report of the surveyor-general I copy the names of the men engaged by Mr. Buck and who are supposed to have been killed:

Nelson Buck	F. C. McFarland	J. V. Brown
J. L. Logan	J. R. Nettleton	Linden L. Crocker
J. C. Haldeman	W. McCulloch	Stanley Meecham.
H. L. Levi	Jas. Wolteman	

I call attention to this event as being the one great tragedy that befell an entire party engaged in the survey of the public domain in Nebraska and as being of sufficient importance and interest to be perpetuated by a suitable monument.

H. B. MCGREGOR LETTER.

PONTIAC, ILLS., Jan. 4th, 1912.

MR. CORDEAL:

MY DEAR SIR

Re—to your last letter accept my apology for not replying sooner. partly because I have had little time and partly because I could not locate some memoranda I made years ago that might refresh my memory as to names etc. I will have to depend upon my recollections and they are not so vivid after a lifetime of vicissitudes as they once were.

1st as to inquiry as to Nelson Buck's daughter the lady is still living here. A letter to "Mrs. Cordelia Watson" will reach her (she having married a Charles Watson) however she [has] no information to give except what she has been told, her Mother having destroyed all letters & memoranda relating to this expedition before her death about three years ago.

One day in June 1869 (The Rainy Year) we left Pontiac in charge of Nelson Buck a surveyor of about 60 years of age—leaving with him—were 5 young men none 20 years of age myself being the youngest member—John Nettleton—McFarland McCullough—James Sager or Segar employed to assist him in government survey somewhere in this Oregon territory known to us as Nebraska. None of us were properly equipped for such an enterprise it being understood we were to be armed by the U. S. at some point and also to have a soldier escort on our work.

Each took what he had Mr. Buck had a fine rifle—but muzzle loading one had a rusty shot gun another an old army revolver myself I had an army Springfield Carbine—but with only ten cartridges for it. Harm It was all a dream with us and we thought little of any danger. Our itinerent was by C & A to Chicago and from there by rail to Council Bluffs Iowa. A



tramp down the east side of the river until opposite Plattsmouth Nebraska then we were ferried across by a rope ferry to the Nebraska side and went into camp to complete preparations on this walk down the river we saw our first Indians camped along the river I was told they were Omahas & Pottawattimies & not—ugly. I had no communication with them and they paid apparently no attention to us.

I do not recall just how many days we were at Plattsmouth but a week or two I recall I was there on July 4th 1869 & saw the party of notables drive the first spike in the R. R. then being run out there on that date—(Now the Burlington I believe) six more men were recruited while there four being about our ages, one about I should say twenty five (a scout) & one possibly 50 a teamster of them all I can only recall the *name* of the teamster Levi Minoslouski probably a Polish Jew with dark short curls and *Green eyes* I never saw such before or since.

We had but one wagon and team—It rained almost continuously & it was all the team could do to pull wagon and outfit so we all tramped; So far we had seen no Indians in Nebraska except a few Pawnees supposedly friendly. Jogging along ahead of the balance of our outfit McCulloch and I came upon a group of “dobe” Hovels one day (or sod Houses) and we learned we were at what was then known as “Grand Island Nebraska” *south* of the Platte (Old Gov. trail) Stopping at the nearest house I asked a motherly looking lady to sell us a glass of milk. We were invited in and given milk for which no pay would be accepted. Noticing a lot of Indian bead work moccasin[s], arrows, clubs etc., I asked for their history instantly this kindly lady became transformed into a raging tigress. Injuns, she screamed “I pisoned ’em seven of ’em & I wish I could the whole——of ’em” they killed scalped and burnt my boy and I will kill ’em anyway I can I put arsenic in my sugar for them and went away and left it for them thieving Pawnees to steal I got seven of them and their outfits.[’] I began then to realize what Indian warfare meant for the first time no mercy by white or Red—but death by any means available on both sides.

From Grand Island to Lincoln nothing of importance except continual rains and steady walking for us all, at Lincoln they were at work on the foundation of the state capital & I found a Mr Crospey of Fairbury Ills there selling city lots the best \$300 \$25 down balance on long time & he told me homesteads could be had about 3 miles from Lincoln.

From Lincoln to Fort Kearny nothing of interest one continual plod through rain and mud. Graves became more frequent however as we went west and a little board at the head of many simply said “killed by Indians” occasionally an arrow rudely cut in the board. I never saw a name on any of them

but one and that had the single word "Comanches" roughly lettered on it. Rattlesnakes and Prairie dogs & some game became more numerous as we neared Fort Kearny also Grasshoppers by the millions big and little. It did not look to me like much of a country sand and sand hills—though the flat lands are fairly well grassed through which the trail ran;

We arrived safely at Fort Kearny and were kindly treated by the C. O. Major Pollock his officers and men. We camped and waited here some time officers and privates repeatedly warning us we would be killed if we ventured far poorly armed or without an escort. I know Mr. Buck made every effort to get arms and an escort but without avail from day to day and finally in despair he set out anyway supplies and money both getting low. ten days about after leaving the fort Mr. Buck told me to go back to the fort with John Nettleton & wait for the escort & arms & pilot them to the locality they were in as he was about in his territory and would begin running lines.

We got into the fort all right and told our errand but there was nothing there. Nettleton hired out to the Platte Ferryman that day and I never saw him again though I learned afterward he got safely back to Illinois. I remained at the Fort for a time rations and a bunk being given to me Maj Pollock finally told me the Post trader wanted some one to drive an ox team to Plum Creek coming after wood—I took this job and drove the ox team back and forth making two trips each week for three weeks often at night hearing Indians crossing the Platte while lying in the grass but never seeing one. One man was with me all the time with another team of oxen I cannot recall his name but he was a prince of a man after my third round trip one of the Evans Bros of St Louis came along with a sutler outfit and I hired to him as a rider with his cattle outfit a large one if I recall correctly about 2600 head of cattle & about 60 people in all header scouts some of the scouts bore famous names Texas Jack—a lean sinewy taciturn man in Buckskins Wild Bill was another—Evans himself was a splendid specimen of manhood blonde bearded and erect on foot or in saddle—a big man in every sense of the word I should say 35 or 40 years old. While with the Evans outfit your Mr. Harvey met me one day and I told him as much of my story as I thought he cared to hear—

I don't suppose my subsequent adventures interest you they are many and varied.

Truly  
H. B. McGregor

I met Mrs. Watson Nelson Buck's last living child yesterday. She has nothing new to say or show. March 17-1913.

Two thoroughfares traversed the state, one on the north,





GRAVE OF  
RACHEL E. PATTERSON



ORIGINAL HEADSTONE AND NEW HORIZONTAL SLAB.

Photograph by Robert Harvey (1908)

the other on the south side of the Platte river. These had branches on the two sides of the north and south forks of that great shallow Nebraska stream. Over these routes a stream of people travelled, which has been estimated at many millions, before the advent of the Union Pacific Railroad.

There was untold suffering and sickness, and unnumbered deaths on these highways and graves marked every contiguous hilltop, valley, and the crossing of every stream. It may be said that the Platte valley which this route followed was one great graveyard from the Missouri river to the mountains. Erosion and waste have destroyed nearly all evidences of the burial places leaving only here and there a recognizable spot with a fragment of history.

One of these is situated on a little "bench," on the west side of Ash Hollow, south of the North Platte river, Deuel county, Nebraska. It is the grave of a young woman who died there in 1849, and is marked by a small yellowish slab of native rock from the nearby ledge, and rudely shaped from a larger spall of Nature's chippings. The legend on its eastern face, skillfully cut by a relative or friendly hand, alone has saved the name of "Rachel E. Patterson" from oblivion.

I visited Ash Hollow in 1869, and the little white upright slab drew my attention as I ascended the slope to find the graves of the two chiefs who were reputed to have been killed in battle with General Harney in 1855 and supposed to have been buried at the top of the bluff. I again visited the place in 1874, and, finding the slab still in position, I placed a row of small stones around the grave to further protect it from obliteration.

On July 5, 1908, after thirty-four years, I again visited the grave and found the little slab still standing sentinel. The inscription was dimmer than when last seen, but still legible. It read,

1849

RACHEL E.  
PATTERSON

*Aged 18*

*June 19 1849*

The stone is 18 inches high above ground, 14 inches wide and 3 inches thick.

The Ash Hollow Cemetery Association, of Lewellen, has acquired the slope and the point of the bluff and inclosed about an acre of land, including the graves, with a good substantial wire fence, the gates having iron frames.

The grounds are regularly laid out into lots and avenues. The two main avenues run north and south, east and west. At the east end of the east and west avenue is the Rachel Patterson grave. A stranger, Mr. Rittemer of North Platte, donated a marble slab forty-six inches long and fifteen inches wide and imbedded it in cement. On the upper surface of the slab is the following inscription:

*In Memory Of*  
RACHEL PATTERSON  
  
*who died and was*  
*buried here in 1849.*  
*She belonged to a*  
*California Emi-*  
*grant Co. from Missouri.*  
*Aged 18 Yrs.*

The grave is situated near the foot of the slope at the edge of the bench and about fifteen feet higher than the level of the cañon.

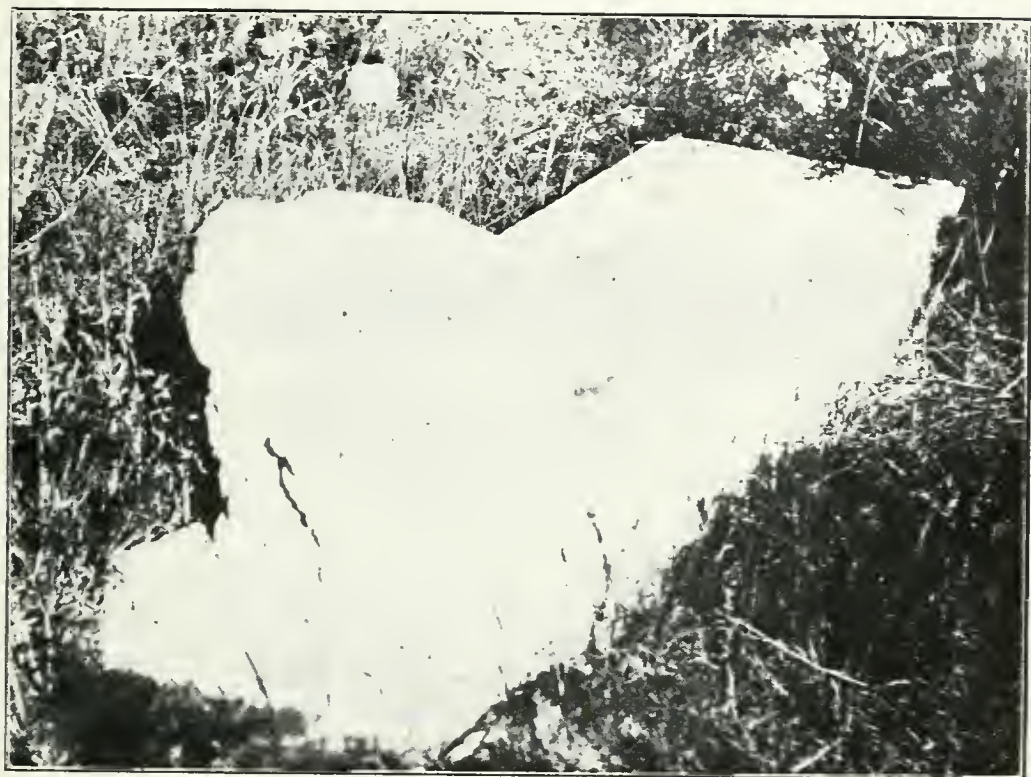
When one reflects on the hardships those early pioneers endured and the dangers to which they were subjected, their fortitude and bravery command our respect and admiration; and the few known graves should be suitably marked in memory of the multitude of brave pioneers who lie in unknown graves along these overland trails.

I therefore suggest that the inscription on the stone marking Rachel Patterson's grave be chiseled deeper, which will preserve it another half century, and that a more enduring stone be placed alongside the old slab.

I made an effort to get a photograph of the grave and slab, but the position of the sun prevented my obtaining a very satisfactory negative with a 3A kodak; it is however sufficiently plain so that one has a good view of the stone and some of the letters thereon. I file herewith one of these pictures and make it a part of this report.

Respectfully submitted,  
ROBERT HARVEY,  
*Chairman of Committee on Historic Sites.*





WEST FACE OF HEADSTONE.

Photographed by Robert Harvey (1908)



Moved by W. E. Hannan that the Society appoint a committee of one to coöperate with a like committee from the Daughters of the American Revolution and representatives of other organizations in the state interested in marking the trails across Nebraska, for the purpose of deciding upon some plan of action. Seconded and carried. The president appointed the secretary as such committee.

The names of those applying for membership were read. On motion of Charles Wake the secretary was instructed to cast the unanimous ballot of members present for the election to active membership of the following named persons.

Edwin F. Richards, Lincoln.	Mrs. Addison E. Sheldon,
Albert A. Reed, Lincoln.	Lincoln.
Homer K. Burket, Lincoln.	Mrs. Mabelle Sowerwine,
Job W. Cassel, Lincoln.	Gering.

The next order of business was the annual election of officers. Dr. George L. Miller was nominated for reelection as president. The secretary stated that Dr. Miller had been proud to serve the Society, and although he had said the evening before in his address that he would not accept a reelection, he might be willing to serve if some arrangement could be made whereby he could be relieved of attending board meetings. On motion of Lorenzo Crounse the secretary was instructed to cast the unanimous ballot of the Society for Dr. Miller as president. The ballot was so cast and Dr. Miller was declared elected.

Mr. Harvey was renominated for first vice president, and on motion the secretary was authorized to cast the unanimous ballot of the Society in his favor, and he was declared elected.



Professor H. W. Caldwell nominated for second vice president, Charles E. Bessey. The name of Samuel C. Bassett was also placed in nomination, but Mr. Bassett withdrew in favor of Dr. Bessey. On motion of Professor Caldwell the secretary was instructed to cast the unanimous ballot of the society for Dr. Bessey. The ballot was cast and Dr. Bessey declared elected.

A. N. Yost nominated Clarence S. Paine for secretary, and on motion the rules were suspended and the president was instructed to cast the entire vote of the society for Mr. Paine for secretary. The ballot being cast, Mr. Paine was declared elected as secretary for the ensuing year.

The secretary then offered the following: "As no provision has been made to relieve the president from the necessity of attending board meetings, I move that the vote whereby Dr. Miller was elected as president of this society for the ensuing year be reconsidered." Before the motion was seconded Professor Caldwell moved that the Society place upon its records a resolution relieving Dr. Miller of any necessity of attending its board meetings, except such meetings as he himself may desire to attend." Seconded and carried.

After the announcements for the evening were read the meeting adjourned.

CLARENCE S. PAINE, *Secretary*.

#### REGULAR MEETING OF THE BOARD OF DIRECTORS.

A regular meeting of the board of directors was held at the rooms of the Society in Lincoln, April 13, 1909, present, Robert Harvey, vice president, presiding, Governor Ashton C. Shallenberger, S. L. Geisthardt, Dr. Charles E. Bessey, Nelson J. Ludi, Chancellor Samuel Avery, Professor H. W. Caldwell, and the secretary.

Minutes of the meeting of January 13, 1909, were read and approved.

The report of the secretary was then read and, on motion of Mr. Geisthardt seconded by Governor Shallenberger, was accepted and ordered placed on file.

On motion of Mr. Geisthardt, seconded by Governor Shallenberger, a fund of \$100 was appropriated for the use of the secretary's office, the secretary to make a report as to the condition of such fund at each regular quarterly meeting of the board.

After some informal discussion of the proposal of the Public Archives Commission of the American Historical Association to donate \$150 to aid in arranging and reporting upon the public archives of Nebraska, the secretary made a motion that the board respectfully decline the proposed appropriation, upon the ground that to carry out its purpose would require an additional appropriation by the Society larger than its funds would justify. Seconded by Mr. Geisthardt. After some discussion this motion was withdrawn, and Chancellor Avery offered the following motion: "That Dr. Ames, the chairman of the Public Archives Commission, be advised that this board would accept the appropriation of \$150, adding thereto \$100 for the purpose named, with the understanding that no further appropriation would be made by this board for such purpose." Seconded and carried.

The following list of names of persons proposed for membership of the Society was read.

Dr. Victor Anderson, Bridgeport.	George V. Schufeld, Nelson.
Ancil L. Funk, Lincoln.	Thomas M. Wimberly, University Place.
Mrs. Pauline Frank, Kearney.	George F. Smith, Waterbury.
Rev. S. Mills Hayes, Lincoln.	Anna T. Adams, Omaha.
Louis Jensen, Lincoln.	John Lyon, Lincoln.
John H. Maguire, York.	Edward D. Powell, Guide Rock.

Mrs. Lottie E. G. Norton,  
Kearney.

Bayard H. Paine, Grand  
Island.

Wes Pickens, Powell.

Rodney H. Yale, Beatrice.

Charles Wooster, Silver Creek.

Elmer E. Abbott, Beatrice.

George Simmons, Battle Creek.

Mads H. Krab, Paxton.

George H. Cleveland, Bloom-  
ington.

Luey M. Clark, Tecumseh.

John S. Walin, Ceresco.

Professor Caldwell moved that the secretary be instructed to cast a ballot for the persons named. Seconded and carried. The ballot was so cast.

The election of a superintendent was next discussed. Professor Caldwell moved that the board proceed to ballot. Seconded and carried. After some informal discussion Mr. Geisthardt moved a reconsideration of the former motion. Seconded and carried. Mr. Geisthardt then moved that when the board adjourns the adjournment shall be to Saturday, April 17, at 1:30 P. M., and that in the meantime the acting president be instructed to secure a written opinion from the attorney-general upon the constitutionality of the amendment to the by-laws. Seconded and carried.

CLARENCE S. PAINE, *Secretary*.

Approved April 17, 1909.

#### ADJOURNED MEETING OF BOARD OF DIRECTORS.

An adjourned meeting of the board of directors was held at the rooms of the Society, in Lincoln, April 17, 1909, present, Robert Harvey, vice president, presiding, Nelson J. Ludi, Professor H. W. Caldwell, Dr. Charles E. Bessey, Chancellor Samuel Avery, S. L. Geisthardt, and the secretary.

Owing to the absence of Governor Shallenberger, the secretary moved that the board adjourn until 4 P. M.; seconded by Chancellor Avery and carried.

Upon reconvening at the hour above named the



meeting was called to order by Robert Harvey, first vice president, with the following members present:

Governor Ashton C. Shallenberger, Chancellor Samuel Avery, Nelson J. Ludi, Professor H. W. Caldwell, Dr. Charles E. Bessey, S. L. Geisthardt, Robert Harvey, and the secretary.

Minutes of the meeting of April 13 were read and approved.

The secretary then read the communication of the first vice president to the attorney-general requesting his opinion upon the constitutionality of the amended by-laws, as follows:

LINCOLN, NEBRASKA, April 14, 1909.

*W. T. Thompson, Attorney General, Lincoln, Nebr.*

DEAR SIR: At a meeting of the board of directors of the State Historical Society held April 13, 1909, I was instructed to obtain from the attorney general a written opinion as to whether 2a and b of paragraph 2 of the amended by-laws of said Society, adopted at the annual meeting held January 12, 1909, is in conflict with article V of the constitution relating to the duties and authority of the secretary.

There will be an adjourned meeting of the board Saturday, April 17, 1909, at 1:30 P. M., at which time your opinion is desired.

Very respectfully,

ROBERT HARVEY,

*First Vice President and Acting President.*

On motion of Mr. Geisthardt, seconded by Chancellor Avery, the opinion of the attorney-general, which declared the amendment invalid, was accepted and ordered placed on file.

The pending motion of Professor Caldwell to proceed to the election of a superintendent was then put to vote and defeated.

Professor Caldwell proposed rules and regulations

for the administration of the affairs of the Society, whereupon the secretary offered the following as a substitute:

The secretary as the administrative officer of the Board is hereby given full authority to enforce the following:

#### RULES AND REGULATIONS.

1. No article of property belonging to the Society shall be removed from the rooms or from its place of storage without permission of the board or the secretary.

2. No money shall be expended and no indebtedness incurred for and in behalf of the Society except upon the written order of the secretary or upon the authority of the board.

3. No salaried employee of the Society shall be absent from the rooms of the Society for an entire day without first having secured permission from the board, or from the secretary, provided, however, that during the session of the state legislature an exception shall be made in favor of those employed in the legislative reference department.

4. The regular hours of service for all employees shall be from 8 A. M. to 12 M., and 1 P. M. to 5 P. M. of each week day.

5. The rooms of the Society, including the museum and the library, shall be kept open each week day from 8 A. M. to 5 P. M., except for one hour from 12 M. to 1 P. M.

6. All heads of departments shall report to the secretary in writing at least ten days before each quarterly meeting of the board and shall prepare for publication and submit to the secretary an annual report not later than December 1, of each year.

7. No officer or employee shall remove from the rooms of the Society any book, manuscript photograph or other article belonging to the Society until such article shall be charged to his account in the regular manner.

8. No salaried employee of the Historical Society shall engage in any other employment, for personal profit, during the regular office hours of the Society.

9. All correspondence shall be conducted in the name of the secretary, and all incoming mail relating to the business of the Society shall be opened by the same officer and referred to the proper department. All correspondence of any department shall be kept in proper files in the office of the secretary.

10. Publications of the Society shall be sent out or distributed only by the secretary or under his direction.

11. Employees will not be permitted to attend meetings of the board except upon request.

12. All employees shall be elected by the board annually at the April meeting.

After the question was debated at length the motion in favor of the substitute was carried, and the foregoing rules and regulations declared to have been adopted.

A motion offered by Mr. Ludi and seconded by Dr. Bessey provided that all employees of the Historical Society remain as at present until further orders of the board. Carried.

It was then moved by the secretary that the chairman be authorized to appoint two members of an executive committee, of which the acting president should be chairman, to advise with the secretary in all matters but to have no power except such as might be from time to time specifically conferred by the board. Seconded by Dr. Bessey and carried.

On motion of the secretary the apportionment of funds for the ensuing year, the nomination of employees and the fixing of salaries, was referred to the executive committee to report recommendations to the next meeting of the board. Seconded and carried.

It was moved by Governor Shallenberger that the president and secretary be authorized to draw a warrant on the general fund in favor of the secretary for the sum of \$300 for services from April 1, 1908, to April 1, 1909. Seconded by Mr. Geisthardt. Carried.

Mr. Geisthardt then moved that the board adjourn to meet at 7:30 P. M., April 26, 1909.

CLARENCE S. PAINE, *Secretary*.

Approved April 26, 1909.

ADJOURNED MEETING OF THE BOARD OF DIRECTORS.

An adjourned meeting of the board of directors was



held at the rooms of the Society, in Lincoln, April 26, 1909, at half past seven o'clock in the evening. Present, Robert Harvey, acting president, presiding, Governor A. C. Shallenberger, Chancellor Samuel Avery, Dr. Charles E. Bessey, S. L. Geisthardt, Professor H. W. Caldwell, N. J. Ludi, and the secretary.

Minutes of the meeting of April 17 were read, corrected and approved.

The acting president announced the appointment of the following committees:

EXECUTIVE COMMITTEE—The chairman, the treasurer and the secretary.

LIBRARY—Charlotte Templeton, Edith Tobitt, W. P. Aylsworth.

MUSEUM—M. R. Gilmore, R. F. Gilder, Charles H. Morrill.

OBITUARY—A. J. Sawyer, John W. Steinhart, Mrs. Kittie McGrew.

PROGRAM—C. S. Paine, H. M. Bushnell, Myron L. Learned.

PUBLICATIONS—C. S. Paine, Chancellor Samuel Avery, N. J. Ludi.

The report of the executive committee on the nomination of employees, the fixing of salaries, the division of work and the arrangement of the budget was then presented by the secretary.

Propositions by Addison E. Sheldon defining the future relations of the legislative reference department with the Society were rejected.

The second division of the report of the executive committee was then presented as follows:

In the matter of employees and salaries, your executive committee invites attention to the fact that there are at present six salaried employees as follows:

A. E. Sheldon.....	\$1,300
E. E. Blackman.....	950
William E. Hannan.....	900
Minnie P. Knotts.....	800
Helena Krueger .....	416
Julia Constancer .....	416
Total.....	<hr/> \$4,782

Average amount paid annually for extra labor during the past two years .....	500
Total.....	<hr/> \$5,282

For the ensuing year we respectfully recommend the election of the following named persons until April 1, 1910, at the salaries named:

	Per Month.	Per Year.	For 1909.
C. S. Paine, beginning May 1.....	\$125	\$1,500	\$1,375
Albert Watkins, beginning Aug. 1....	125	1,500	1,000
Minnie P. Knotts, beginning April 1	80	960	960
William E. Hannan, beginning April 1 .....	75	900	900
E. E. Blackman, half time, beginning June 1 .....	40	480	400
Helena Krueger, beginning April 1..	35	420	420
Total.....			<hr/> \$5,055

It will be noted that according to the foregoing the total salaries would be for this year \$5,055, \$705 less than they would be next year under the same schedule, owing to the fact that the salary of the secretary begins May 1, and that of Mr. Watkins August 1. An agreement has been reached with Mr. Blackman under which he is to be employed but half time on half pay. Mr. Paine, Mr. Watkins and all other employees will give their entire time and attention to the work.

The total average amount paid annually for salaries and extra labor during the past two years has been \$5,282, or \$127 more than is here allowed for 1909, and \$478 less than the total salaries will be under this schedule for 1910. The above provides for the retention of all the present employees of the Historical Society, except Mr. Sheldon and his personal stenographer.

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## ESTIMATED EXPENSE APRIL 1, 1909, TO APRIL 1, 1910.

Salaries .....	\$5,055
Legislative reference department.....	1,300
Postage .....	127
Express .....	50
Freight and drayage.....	25
Telephone and telegraph.....	100
Traveling expenses .....	150
Extra labor .....	150
Books .....	50
Printing .....	100
Binding newspapers .....	50
Photography .....	25
Stationery and office supplies.....	75
Annual and board meetings.....	50
E. E. Blackman's salary for April and May.....	158.34
Salary of Mr. Sheldon's stenographer for April.....	34.66
	<hr/>
	\$7,500.00

As the disposition to be made of this portion of the committee's report will materially affect that which is to follow, we respectfully ask that action be taken on this before proceeding.

The foregoing report and recommendations of the executive committee with reference to employees, salaries, and the apportionment of funds was approved on motion of Mr. Geisthardt, seconded by Gov. Shallenberger.

It was then moved by Governor Shallenberger that A. E. Sheldon be employed to conduct the legislative reference library at his present salary of \$1,300 per year. Motion seconded by Mr. Ludi and carried.

The following division of work as recommended by the executive committee was approved on motion of Dr. Bessey, seconded by Mr. Geisthardt.

### DIVISION OF WORK.

"C. S. Paine.

Office work:

Correspondence



Annual report

Distribution of publications

Superintending and assisting in the work of all departments.

Field work:

Collecting data, libraries, public archives, newspaper files, etc.

Albert Watkins, historian.

Research and editorial work: Editing MSS for publication, miscellaneous volumes, Morton papers, Poppleton papers, and county history mss.

A. E. Sheldon, director legislative reference library.

Editing constitutional convention volumes, classifying and arranging Maxwell and Furnas papers.

Minnie P. Knotts, librarian.

Accessioning and cataloguing books, photographs, mss; care of exchange material, library, photographs and mss, and general oversight of reading room.

Elmer E. Blackman, archeologist.

Investigation in the field, care of museum, classifying, labeling and arranging specimens.

William E. Hannan, superintendent newspaper and archives department.

Care of newspapers, listing, preparing for bindery, cataloguing, etc., arrangement, classification and care of archives.

Helena Krueger, stenographer, bookkeeper and clerk.

Respectfully submitted,

ROBERT HARVEY, .

S. L. GEISTHARDT,

C. S. PAINE.

The motion to adjourn offered by Mr. Geisthardt was seconded and carried.

CLARENCE S. PAINE, *Secretary*.

REGULAR MEETING OF BOARD OF DIRECTORS.

A regular meeting of the board of directors was held

## 122 NEBRASKA STATE HISTORICAL SOCIETY

at the rooms of the Society, Tuesday, July 13, 1909, present, Robert Harvey, vice president, presiding, Chancellor Avery, Professor H. W. Caldwell, N. J. Ludi, and the secretary.

It was moved by the secretary and seconded by Chancellor Avery, that the reading of the minutes of the last meeting be dispensed with. Carried.

The report of the secretary was read and accepted.

Names of persons proposed for election to membership were then read as follows:

### HONORARY.

Brig. Gen'l Nathan A. M. Dudley, U. S. A., Roxbury, Mass.

### CORRESPONDING MEMBERS.

Charles R. Morehead, El Paso, Texas.

Rev. Joel Warner, Bloomington, Nebr.

Amanda Hamilton Warner, Bloomington, Nebr.

Dr. John B. Dunbar, Bloomfield, N. J.

### ACTIVE MEMBERS.

Prof. Guernsey Jones, Lincoln.	Carl E. Danielson, Swedeburg.
Robert W. McGinnis, Lincoln.	Bertin E. Hendricks, Wahoo.
Archibald R. Adamson, North Platte.	Charles Perky, Wahoo.
Mrs. Othman A. Abbott, Grand Island.	Herbert A. East, Lincoln.
Silas R. Barton, Lincoln.	Inez A. Ware, Lincoln.
Charles B. Anderson, Crete.	Abram E. Perdue, Monroe.
Dr. Benj. F. Bailey, Lincoln.	George H. Rogers, Lincoln.
Charles H. Slama, Wahoo.	Andrew G. Wolfenbarger, Lincoln.
Orris M. Tharp, Wahoo.	Walter E. Taylor, Madison.
Charles W. Bryan, Lincoln.	Lois A. Spencer, Falls City.
Charles A. Wendstrand, Wahoo.	Alonzo B. Minor, Lincoln.
	Harry S. Dungan, Hastings.
	George E. Emery, Lincoln.

It was moved that the secretary be instructed to cast the ballot of the members of the board present for the election of the persons named. Seconded and carried. The ballot was so cast.

The secretary moved that all employees be granted

a leave of absence on full pay each year, the limit of absence to be governed by length of continuous service, as follows: one year, one week; two years, two weeks; three years, three weeks; four years or more, four weeks. Seconded and carried.

The secretary then moved to make Saturday afternoon a half holiday during the months of July and August, one member of the office staff to remain and keep the rooms open during the usual hours. Seconded by Ludi, and carried.

The following resolution was offered by the secretary.

WHEREAS, the Nebraska State Historical Society is to receive from the estate of the late Lorenzo Crouse the sum of \$500, therefore be it

*Resolved*, That the treasurer of the Society be directed to place such sum, when received, in a fund to be known as the Lorenzo Crouse Memorial Book Fund, and be it further

*Resolved*, That such fund be used exclusively for the purchase of new books for the library of said Historical Society, and that all books so purchased be designated by an appropriate bookplate, signifying their purchase through the aid of said fund."

Seconded by Professor Caldwell and carried.

The secretary moved that the treasurer be directed to place all funds derived from the sale of publications and duplicates in a separate fund to be known as the Book Binding Fund, and that such fund be used exclusively for the binding and rebinding of books for the library. Seconded and carried.

It was moved that Mr. Harvey be made chairman of the committee on historic sites and that he be authorized to name colleagues on such committee, in such number as he may deem desirable. Seconded by Ludi and carried.

The chairman named associates on the committee for marking historic sites as follows:



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Samuel C. Bassett, Gibbon.	M. P. Clary, Big Springs.
David Anderson, South Omaha.	John S. Walin, Ceresco.
Carson Hildreth, Franklin.	Louis J. F. Iaeger, Chadron.
William Z. Taylor, Culbertson.	John F. Kees, Beatrice.
Melvin R. Gilmore, Bethany.	Harold J. Cook, Agate.
James E. North, Columbus.	Robert F. Gilder, Omaha.

It was moved that the action of the secretary and vice president in paying to Louis Jensen \$3,199.40 on progress certificate No. 1 of the architect, be approved, and that said officers be authorized to make payment on building contracts in the future on the progress certificates of the architect; provided, however, that final payment on such contracts shall not be made except when specifically allowed by the board. Seconded by Chancellor Avery and carried.

It was moved by the secretary that the action of the building committee in entering into a contract with the Woodbury Granite Company to deliver and place in position the first course of granite for the proposed historical library and museum building for \$4,095 be approved, and that the bond furnished by the said Woodbury Granite Company in the sum of \$5,000 be also approved. Seconded and carried.

Bids for the temporary protection of the basement story and providing for the finishing of a storage room were then opened.

The following bids were received:

John Westover .....	\$6,800
George A. Shaul Construction Co.....	6,354
Louis Jensen .....	6,130

After due consideration was given to the plans and specifications and the offers of the various bidders, it appearing from the same that Louis Jensen was the lowest bidder, the secretary moved that the building committee be authorized and empowered to enter into a contract

with the said Louis Jensen on the basis of his bid for the finishing of such basement story in accordance with the plans and specifications of the architect.

Seconded by Chancellor Avery and carried.

Mr. E. E. Blackman was called before the board and made an informal statement regarding the work of his department. After some discussion the secretary moved that Mr. Blackman be employed for the remaining half of his time for the current year, beginning June 1, at a salary of \$40 per month. The motion was seconded by Mr. Ludi and carried.

The secretary moved that a vote of thanks be extended to Charles R. Morehead, of El Paso, Texas, for a large framed portrait of William H. Russell, which he had presented to the Society. Seconded and carried.

A motion to adjourn was seconded and carried.

CLARENCE S. PAINE, *Secretary*.

Approved October 12, 1909.

#### REGULAR MEETING OF BOARD OF DIRECTORS.

A regular meeting of the board of directors was held at the rooms of the Society, October 12, 1909, at half past one o'clock in the afternoon, present, Robert Harvey, acting president, presiding, Professor H. W. Caldwell, Dr. Charles E. Bessey, N. J. Ludi, and the secretary.

Minutes of the meeting of July 13, 1909, were read and approved.

The report of the secretary was then read, and on motion of Mr. Ludi, seconded by Dr. Bessey, it was accepted and ordered placed on file.

The following names of persons were then proposed for active membership:

## 126 NEBRASKA STATE HISTORICAL SOCIETY

Charles S. Allen, Lincoln.	Wallace P. Griswold, Lincoln.
Frank W. Anderson, Wahoo.	Frederick D. Cornell, Lincoln.
John A. Brodd, Ceresco.	Robert D. Cresap, Republican City.
John Fraas, Lincoln.	William Dunn, Syracuse.
Jacob Fawcett, Lincoln.	John J. Davis, Lincoln.
William I. Farley, Aurora.	Frank D. Evarts, Lincoln.
Edwin J. Babcock, North Loup.	Hugh Leal, Ceresco.
Dr. Jasper Beattie, Lincoln.	George S. Lambert, Ceresco.
Alton D. Benway, Lincoln.	DeWitt C. Leach, Huxley.
George W. Bonnell, Lincoln.	Dr. Hamilton B. Lowry, Lincoln.
Paul F. Clark, Lincoln.	Charles O. Lobeck, Omaha.
George E. Condra, Lincoln.	Will H. Love, Lincoln.
Ira H. Hatfield, Lincoln.	Grant G. Martin, Lincoln.
James F. Hanson, Fremont.	Hector E. Maiben, College View.
John F. Hay, Rokeby.	V. A. Mathews, Lincoln.
Upton Henderson, Macy.	Charles E. Pierce, Lincoln.
John H. Humpe, Lincoln.	Geo. M. Pinneo, Lincoln.
Louis J. F. Jaeger, Chadron.	Jesse A. Pound, Lincoln.
Albert V. Johnson, Lincoln.	William R. Mellor, Lincoln.
Mrs. Mary R. Smith, Exeter.	Rev. Luther P. Ludden, Lincoln.
Harry R. Storrs, Cedar Rapids.	Louis E. Wettling, Lincoln.
Sewall A. Sanderson, Lincoln.	Lucius D. Richards, Fremont.
John L. Speidell, Lincoln.	Lawson G. Brian, Lincoln.
Novia Z. Snell, Lincoln.	Anna K. Bowman, Omaha.
Herman Trued, Ceresco.	Martin L. Palmer, Lincoln.
Darius P. Turney, Ceresco.	Edmund B. Quackenbush, South Auburn.
Hugh C. Walker, Douglas.	Miss Anna Rogers, Lincoln.
Jacob B. Williams, North Loup.	Soren Ringlund, Ceresco.
Claes L. Walin, Ceresco.	Frederick Sheperd, Lincoln.
John Westover, Lincoln.	William Drummond, Lincoln.
Dr. Artemas Folsom, Lincoln.	
Allen W. Field, Lincoln.	
Herbert E. Gooch, Lincoln.	
Burton A. George, Lincoln.	
Guy W. Green, Lincoln.	

It was moved by Dr. Bessey that the secretary be instructed to cast the ballot of the members of the board present for the election to membership of the parties named. The ballot was so cast.

The secretary moved that the board approve the action of the building committee in awarding contracts as follows.



John Westover, for metal shelving....	\$1,214
L. W. Pomerene & Co., for plumbing..	287
Louis Jensen, for laying sidewalk.....	105
Enterprise Planing Mill Co., six mu- seum cases .....	279
Rudge & Guenzel Company, furniture..	55

Also that the action of the acting president and the secretary in signing vouchers for the payment of these contracts be approved, and that the warrants be held by the auditor until the final acceptance by this board of the work done under these contracts.

Seconded by Dr. Bessey. Carried.

The secretary then moved the adoption of the following resolutions:

WHEREAS, William J. Bryan has offered to donate \$25 to be awarded under rules adopted by this board for the best monograph on Nebraska history presented to the Society before May 15, 1910, and

WHEREAS, This prize will stimulate historical study and research, therefore be it

*Resolved*, That this board accepts the very generous offer of Mr. Bryan and that the secretary be directed to convey to him the thanks of the board.

Seconded by Ludi and carried.

The secretary also moved that the drafting of rules governing this contest be referred to a committee of three to be appointed by the acting president with Professor H. W. Caldwell as chairman. Seconded by Mr. Ludi and carried. The acting president appointed as such committee, Professor Caldwell, Chancellor Avery and Dr. Bessey.

The secretary moved that the work done under the first contract of Mr. Jensen be accepted and that the balance of \$1,518 be paid to Mr. Jensen.

Seconded by Dr. Bessey and carried.

Professor Caldwell moved that the bond of the Na-

tional Fidelity & Casualty Co., covering this contract, be cancelled and the surety be relieved of any further liability under the same. Seconded by the secretary and carried.

A motion to adjourn was seconded and carried.

CLARENCE S. PAINE, *Secretary*.

#### CALL FOR SPECIAL MEETING BOARD OF DIRECTORS.

LINCOLN, NEBRASKA, Dec. 21, 1909.

DEAR SIR:

There will be a meeting of the board of directors of the Nebraska State Historical Society at the office of the Society, January 6, 1910, at 1:30 P. M. for the purpose of taking action upon the acceptance of the work done under the contract with the Woodbury Granite Company, and for the transaction of such other business as may properly come before the meeting, including election of members.

Yours very truly,

CLARENCE S. PAINE, *Secretary*.

#### SPECIAL MEETING OF BOARD OF DIRECTORS.

A special meeting of the board of directors was held at the office of the secretary, January 6, 1910, at half past one o'clock in the afternoon, present, Robert Harvey, acting president, presiding, S. L. Geisthardt, Dr. Charles E. Bessey, Professor H. W. Caldwell, and the secretary.

The secretary made a statement regarding the contract of the Woodbury Granite Company for setting granite base of new building. Mr. Geisthardt moved that a warrant in favor of the Woodbury Granite Company be issued upon deposit by said company of certified checks to cover claims of following parties:

C. Vincent .....	\$ 8.00
S. Cezick .....	8.00
Ed A. Stephens .....	46.20
John Fraas .....	92.00

Motion seconded by the secretary and carried.

A list of names of persons was proposed for election as members of the Society. Professor Caldwell objected on the ground that it was unconstitutional to elect new members at a special meeting of the board, within three months of the annual meeting. Objection sustained by the acting president.

A motion to adjourn was seconded and carried.

CLARENCE S. PAINE, *Secretary*.

Approved January 19, 1910.

#### THIRTY-THIRD ANNUAL MEETING.

The first session of the thirty-third annual meeting was held at the Commercial Club rooms, Lincoln, Nebraska, January 11, 1910.

Mr. Robert Harvey, first vice president and acting president called the meeting to order at 8:45 P. M.

Mr. E. J. Hainer moved that the roll call be dispensed with. Seconded and carried.

Professor H. W. Caldwell offered the following motion:

I now move that the order of business be changed in accordance with the constitution, art. IX, so that the order shall be as follows: Miscellaneous business in the following order: (a) consideration of the pending amendment; (b) election of members of the executive board.

Reading of minutes

Reports of officers

Reports of standing committees

Reports of special committees

Communications and petitions

Election of members

Return to miscellaneous business

Adjournment.

The motion was seconded by Mr. L. E. Aylsworth. After some debate, participated in by Professor Caldwell, Judge J. E. Cobbey, H. M. Bushnell, and Secretary



Paine, the question was put to vote by the president who declared the motion lost.

Professor Caldwell called for a division of the house. The chair appointed as tellers, Professor George E. Condra, Mr. J. G. P. Hildebrand, and the secretary.

Professor Condra announced the result as sixty-five in the affirmative and eighty-nine in the negative. The motion was declared lost.

The secretary moved that the reading of the minutes of the last annual meeting be omitted. Seconded and carried.

Mr. Robert Harvey, the acting president, then presented his annual report.

#### PRESIDENT'S REPORT.

*Members of the State Historical Society,*

*Ladies and Gentlemen:*

It is with painful regret that I announce to you the inability of your president, Dr. Geo. L. Miller, to preside at this meeting.

During the year he has been physically unable to attend the meetings of the board of directors, and we have not only missed his presence, but have felt the loss of his wise counsel; and I am sure that in this annual meeting you will greatly miss his cheerful greeting, his charming presence and magnetic influence. A man of courage, fearless in expression of his opinions, of high ideals, generous and noble impulses, Dr. Miller holds a large place in the hearts of Nebraska people, and their loving sympathy will go out to him when I announce that from his sick chamber there comes no ray of hope of his ultimate recovery.

I shall not take up much of your time this evening, but will confine my remarks principally to the general

features of the year's labor, and, for details of the business done, invite your attention to a careful examination of the facts as set forth in the secretary's report.

On account of limited quarters of the Society, a large part of its collections are deposited in boxes in the basement of the capitol, inaccessible to the public. The rooms allotted to the Society in the library building of the university only permit storage for the valuable library of over 32,000 volumes, newspaper files constantly made use of by students and those in quest of historical information, the archeological collections of the aborigines of the state, the splendid collection of Indian apparel and implements of warfare and the original letters, publications and domestic articles of the pioneers. To make a useful and reasonable display of the collections most eagerly sought after by visitors the quarters of the working staff have been reduced to the smallest recesses and nooks. In such hampered quarters employees work eight hours per day which is not only unhealthy but causes a loss of valuable time in devising ways and means to properly care for finished work.

The Society's activities for the year have been directed more generally to compiling, classifying, arranging and indexing the material on hand, than to making collections, not having adequate and convenient storage capacity.

During the year there have been held a greater number of meetings of the board of directors than in any former year excepting 1908, and when it is considered that none of the board, excepting the secretary, receives any pay for time and labor, it must be conceded that they have given generously in executing the trust confided to their care.

One of the earliest matters which engaged the atten-

tion of the executive board was the consideration of the historical building. The citizens of Lincoln, to meet the provision of an act of the legislature of 1907, had provided a commodious and valuable site, and in harmony with the provisions of said act the board proceeded to consider plans for a building sufficient for the needs of the Historical Society, not only for the present but for long years to come.

No one can look up Eleventh street at the prison-like quarters of the state university, at the first structure and the irregular grouping of costly buildings, since erected, without criticising the allotment of land by the commission as being not only parsimonious but showing a lack of foresight in measuring the future possibilities of the educational interests of the state; yet not long ago I heard one of the commission say that at the time, considering all the conditions of the young state, its known resources, the unknown possibilities of all the vast region lying west of the hundredth meridian, the general lack of that unfaltering faith in the future greatness of the state, they thought the appropriation of four blocks of land a very generous donation. All of the early state institutions seem to have been constructed with particular reference to present necessities rather than future needs; the sums of money required to remedy these defects of forethought have been enormous and patched up and inharmonious structures the consequence.

The board therefore, to avoid the evil results and consequent waste of money, endeavored to look into the great future and to plan a complete building to be erected in sections, each complete in itself, yet so planned that in the years to come, when completed, it would be harmonious in architecture, kind and quality of material, and uniform in color. In harmony with that idea contracts



were let for the construction of the basement story of the south wing, and were it not for the setting in of a vigorous winter, this story would by this time have been properly roofed over and used for storage of collections.

In relation to what has been done in these preliminary steps looking to the construction of a historical building that would be a pride to the citizens of Lincoln who contributed so generously to the purchase of a site, and a credit to the state, there has been perfect freedom of thought and expression, and in the deliberations of the building committee or the board of directors I do not recall any instance of dissension.

Some people have felt that it would be better not to begin the construction of any section of the building unless a sufficient appropriation was made by the legislature to complete it. But believing, as I do, that it will be completed only by small appropriations, I have favored the best use of every appropriation the legislators in their wisdom may grant.

I believe that an erroneous impression, or a misunderstanding of facts, entered into the defeat of the last appropriation. It was reported that the Historical Society was asking for the construction of a building to cost over a million dollars and that as the present capitol only cost about three hundred thousand dollars it was inconsistent to ask for a building that would cost three times as much and at a time when a new capitol was greatly needed.

The books show that the present capitol cost, in round numbers, seven hundred thousand dollars, and notwithstanding this vast expenditure, it is not such a structure that either Lincoln or the state points to it with much pride.

I have seen two capitols erected in Lincoln. Less

than ten years after the completion of the first one the cry went out that it was unsafe and in great danger of falling. A new building was commenced in 1879 and completed in 1882. In 1903, or seventeen years after this was finished, again came the cry that it was unsafe and the east wing was in great danger of falling while the legislature was in session and that a new building was an imperative necessity. Levels taken during that session showed no material changes in the foundation from those taken some years before. My opinion is that the present capitol is in no immediate or particular danger and by an economical use of its rooms and floor space is sufficient for several years. As a citizen and taxpayer I am opposed to all further capitol building schemes until the actual needs of the state require it, till the refunding to the school fund of the \$600,000 loss by the Bartley defalcation, and till a sinking fund has provided the necessary funds for a building that will be a pride to the city and a credit to the state, and will be in no danger of falling for at least a hundred years.

The late Lorenzo Crounse gave personal direction to his son to pay to the Historical Society out of his personal estate, the sum of five hundred dollars. The board has designated the same to be known as the "Lorenzo Crounse Memorial Book Fund." This I believe is the first bequest to the Historical Society. I understand that other citizens of the state have in contemplation similar gifts.

Mr. W. J. Bryan has offered twenty-five dollars as a prize for the best monograph on Nebraska history presented to the Society before May 15, 1910, under such rules as might be adopted.

These presentations of valuable gifts are tokens of the interest and confidence of public men in the work

being done by the Historical Society.

There are twenty-five historical societies, pioneers associations or organized old settlers societies in as many counties, nearly all of which have signified their intention of affiliating, or forming a closer relationship with the State Historical Society. I believe it would conduce very much to the welfare of these kindred organizations if a closer bond of relationship could be established by detailing members of the board, or working staff of the Society to attend their annual gatherings and give them needed encouragement and advice.

The Daughters of the American Revolution were instrumental in having a bill introduced in the last legislature asking for an appropriation of two thousand dollars to assist in placing durable markers along the Oregon Trail, from the Kansas line to the western boundary of the state, a distance of about 400 miles. It must have been a great disappointment to that patriotic society to have it defeated. I have thought the vote on the bill would have resulted differently had those legislators ever traveled along the overland trails as I did in 1869. Had they seen the last wheel tracks and weary footprints, all but faded away or covered with the dust of shifting winds, and the countless graves which lined the way they could have appreciated the recollection of those broad and deeply worn wagon ruts; and they would have prized the precious memory of the few scattered graves that have been rescued from oblivion by loving hands which erected some simple durable memorial, that has saved them from being trampled into the earth by the westward march of an empire. The state of Nebraska cannot afford to let those great historical highways, over which three million people traveled in twenty years, pass out of sight and memory.



It has been a prevailing idea with the administration, that in order to interest the people of the state in the work of the Historical Society, it is necessary to bring as many people as possible into closer touch with it. In harmony with this idea, 161 new members have been added to the rolls this year.

The accounts of the secretary have been examined by a competent accountant and his report is set forth in detail in connection with the report of the secretary.

REPORT OF THE SECRETARY FOR THE YEAR ENDING  
DECEMBER 31, 1909.

*To the Members of the Nebraska State Historical Society:*

During the year just closed there has been a forward movement in the work of the Nebraska State Historical Society along all lines. New departments have been created to meet new and pressing demands, and old departments have been made more effective. Every employee has bent his best efforts, not only to his own particular task but to the development of the work as a whole.

The failure of the legislature to adequately provide for the growing needs of the Society, instead of proving a discouragement to those charged with its administration, has rather stimulated them to greater effort to meet the resulting emergency. It is not in any spirit of criticism that we call attention to the fact that to do the work laid out for the Society by the last legislature, together with duties previously assigned, would require the expenditure of at least \$25,000 for the biennium, whereas only \$15,000 was allowed—the same amount as for the preceding biennium. In these circumstances it has seemed necessary to appeal for private aid and, as the fruit of this policy, the Society has received a bequest of \$500 from the late Lorenzo Crounse and smaller amounts in

cash from others which are duly credited in this report. Several prominent citizens of Nebraska have promised to contribute, in the final disposition of their property, toward an endowment fund for the Society. It is contended in some quarters that historical societies in the West and South must, for the present, depend upon state appropriations rather than private gifts. It would seem, however, that in Nebraska we must supplement state appropriations with private donations until a public sentiment shall have been created which will compel legislative recognition of the merit and importance of the work of this Society. In Nebraska state appropriations have not been keeping pace with the growth and needs of the Society or with the appropriations for other state institutions.

It ought to be possible to secure both public and private funds in support of the work here, as is so successfully done in Wisconsin, and we are in a fair way to accomplish this result. The bequest of Governor Crounse should be the beginning of an endowment fund to which others of our citizens will feel it a privilege to contribute.

It seems pertinent to call attention to progress in historical research and the collection and conservation of historical data in neighboring states.

The Wisconsin State Historical Society has become the Mecca of students of history, political science and sociology in every state of the Union and many foreign countries. Its library and museum building cost \$610,000, and the whole property, including furniture, fixtures and ground, is valued at \$850,000. This building, which was completed in 1900, is already outgrown, and the next legislature is expected to appropriate \$200,000 for a wing to accommodate the stack room of the university library, which is a tenant of the historical society. The historical

society staff numbers twenty-eight people, and its annual salary roll amounts to \$28,000. The highest salary paid is \$2,400 annually, while the second highest is \$1,600, and the third is \$1,200. The total annual income of the society is approximately \$55,000.

The Minnesota State Historical Society was founded in 1849, the same year as the Wisconsin society. It has plans prepared for a building to be constructed of Minnesota granite at a cost of \$500,000, which, with reasonable certainty, will be provided by the next legislature. The annual income of the society is \$20,000. The annual salary roll amounts to \$10,200. There are ten employees, the highest salary paid is \$1,800, the second \$1,500, the third \$1,200, while the lowest is \$600 per year. The society at present occupies 10,000 square feet of floor space in the new capitol and a part of the old capitol.

The state of Iowa is fortunate or unfortunate, according to the viewpoint, in that two organizations, both supported by the state, are engaged in writing and preserving its history. While the most cordial relations exist between the State Historical Society, organized in 1857, and located at Iowa City, and the Historical Department, founded at Des Moines in 1892, there is necessarily much duplication of effort, and doubtless some waste of time and money. Through both institutions the state expends approximately \$30,000 annually. The Historical Department of Iowa has recently occupied its new building which, while not wholly finished, has already cost \$420,000. The salaries paid to eight employees aggregate \$8,400 annually.

The historical society of Kansas was organized in 1875. It has rooms in the capitol, but outgrew these and overran the whole building, basement, attic and corridors, until the occupants of other state offices were glad to



join with the society in securing from the last legislature an appropriation of \$200,000 for a new building, which is to be erected on a \$15,000 site adjacent to the capitol. The Kansas society has an annual income of \$15,102 and employs eight people, the salaries amounting to \$8,900 annually. The highest salary is \$2,000 per year with two employees at \$1,200 each, and five at \$900 each. Contracts had been let for the foundation of a building for the Nebraska society before the Kansas society had asked for a building appropriation, but it now looks as though the latter might be the first to occupy its new building.

Even in Colorado, which had been backward in promoting its historical society, as most new states are, the last legislature appropriated \$100,000 for the purchase of a site and to begin the erection of a building which is to cost at least \$250,000, although the society has over 12,000 feet of floor space in the capitol, three times as much as is at present occupied by the Nebraska society. Of this appropriation \$55,000 has been expended in putting in a foundation. The Colorado society has an annual income from state appropriations of \$4,300, of which \$3,600 is spent in salaries, the highest salary paid being \$1,500, the second \$1,200 and the third \$900.

The Nebraska State Historical Society, organized in 1878, receives from the state \$7,500 annually which is the extent of its income, except the small amount received from membership fees and the gifts from individuals. The Society now employs seven people, and the aggregate amount paid for salaries during the year was \$6,367.54. This includes the salary of the superintendent of the legislative reference bureau, a department, by the way, maintained by none of the other societies named.

The following table will show at a glance the relative

position of Nebraska among the states of the middle west in the important work of preserving the records, public and private, of the development of the commonwealth.

	Square feet of floor space.	Income for 1909.	Salaries 1909.	Number employees.	Highest salary paid.	Second highest salary	Average annual salary	Cost of building and equipment.
Wisconsin .	102,328	\$55,000	\$28,000	28	\$2,400	\$1,600	\$1,000	\$610,000
Minnesota .	10,000	20,000	10,200	10	1,800	1,500	1,020	500,000(est.)
Iowa (Dept.)	66,000	13,400	8,400	8	1,600	1,200	1,050	420,000
Kansas ----	12,000	15,102	8,900	8	2,000	1,200	1,112	200,000(est.)
Nebraska ..	4,000	8,633	6,367	7	1,500	1,500	909	225,000(est.)

It will be noted from the foregoing comparative statement that the Nebraska State Historical Society occupies less space and has less income for historical work than is devoted to the same work in any of the states named. The total amount paid as salaries in Nebraska is far below that which is paid in other states, as is also the average for the individual, which is \$909.64. This is less than the average in Wisconsin, the next lowest; although, in arriving at the average for Wisconsin, all employees—some of whom work only half time—including fifteen caretakers of the building, were taken into account. Notwithstanding this showing the Nebraska State Historical Society is now carrying on all the lines of work undertaken by any of these societies and in addition is conducting a legislative reference department.

About the same amount of work is actually required of each of these societies, and about the same amount of money is needed to meet necessary expenses of administration. There is, however, scarcely any limit to the amount of historical research and publication that may properly be undertaken if the money to pay for them is available. Thus it is possible for those societies having a liberal appropriation to use a large part of their rev-

enue in the purchase and printing of books, erecting monuments and doing field work, while a society having a small income must spend a larger proportion of it in the employment of labor. This has always been the condition confronting the Nebraska Society, as the following figures indicate.

Year	Salaries and extra Labor	Total Receipts	Percentage of Total Receipts expended for labor
1900	\$1,635.35	\$2,539.16	64
1901	2,951.00	4,397.32	67
1902	3,852.77	5,022.50	76
1903	3,913.65	5,004.00	78
1904	3,768.17	5,004.00	75
1905	4,103.19	5,020.00	81
1906	4,319.14	5,142.00	84
1907	4,276.29	7,159.50	59
1908	4,744.09	7,925.89	59
1909	6,552.76	8,633.34	75

There was a time when \$7,500 annually would have been quite sufficient for the support of this Society; but it is impossible to meet the increasing demands of the Society incident to the growth of the state and its institutions and to enlarged conceptions of all educational work without increased appropriations. The growth of our library and museum, the new lines of work undertaken in response to public demands and the great amount of research incident to these new departments, the lack of modern facilities and insufficient room have forced us, even with the practice of rigid economy, to become persistent beggars for private aid.

#### RELATED SOCIETIES.

##### MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

The members of the Nebraska State Historical Society feel a paternal interest in the Mississippi Valley



Historical Association, which was organized in Lincoln and under the auspices of this Society, in 1907, and which still has its headquarters here. Your secretary attended the second annual meeting of the association held in St. Louis, June 17, 18, 19, 1909, but was unable to attend the semiannual meeting held in New York City in connection with the American Historical Association, December 30, 1909. The membership of the association now numbers about 400. The next annual meeting will be held in Iowa City, May 26 and 27, 1910, preceded by a meeting of the Iowa State Historical Society on May 25, and followed by a meeting at Des Moines on the 28th, for the dedication of the historical, memorial and art building in that city. The first volume of the proceedings of the association has been issued, and the second volume is in press.

NEBRASKA TERRITORIAL PIONEERS' ASSOCIATION.

The affairs of this organization are in a prosperous and satisfactory condition. The association, which was formerly supported very largely by this Society, has been entirely self-supporting during the past three years, notwithstanding some unusual, though necessary, expenses during this time. The last annual meeting was well attended, and an interesting program was presented. The regular semiannual meeting was held in Lincoln, September 6 and 7, but the attendance was much reduced on account of the unfavorable weather. The association now numbers about 700 members, 290 of whom were added during the year 1909. Your secretary has practically completed the compilation of the proceedings of the association, together with a history of the organization and a roster of the members. A fund has been started for the publication of these proceedings, and contributions have been received from many of the members. It is hoped

that a sufficient amount may be raised by voluntary subscription and membership fees to defray the entire expense of publishing this volume.

#### LOCAL HISTORICAL AND OLD SETTLERS ASSOCIATIONS.

An especial effort has been made during the year to have the Society represented at the meetings of all local historical societies and old settlers associations, with a view to establishing a closer relationship between these organizations and the central society. Following are the names of the more important of these organizations, most of which have taken formal and favorable action with reference to some form of affiliation with this Society.

County.	Name of Organization.	President.	Secretary.
Adams	Adams County Old Settlers Association	Mrs. N. W. Bacon Hastings	Mrs. Kate Boyd Hastings
Antelope	The Pioneers	M. A. DeCamp Neligh	A. J. Leach Oakdale
Boone	Boone County Old Settlers Association	Elias Atwood Albion	F. M. Wietzel Albion
Buffalo	Soldiers Free Homestead Colony	Samuel C. Bassett Gibbon	Carrie M. Marsh Gibbon
Burt	The Burt County Pioneers and Old Settlers Association	J. P. Latta Tekamah	M. M. Warner Lyons
Clay	Old Settlers Association	Samuel M. Elder Fairfield	
Colfax	Colfax County Old Settlers Association	W. I. Walling Leigh	Geo. H. Wells Schuyler
Dakota	Pioneers and Old Settlers Association	A. H. Baker Dakota City	W. C. Eckhart Dakota City
Douglas	Douglas County Association of Nebraska Pioneers	Joseph Redman Omaha	Johnathan Edwards, Omaha
Douglas	The South Omaha Pioneers Historical Society.	Joseph J. Breen South Omaha	Mrs. Emma L. Talbot, So. Omaha
Franklin	Old Settlers Association of Franklin County	Carson Hildreth Franklin	H. M. Crane Franklin

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Gage	Gage County Pioneers Association	A. B. McNickle Cortland	Earl M. Marvin Beatrice
Howard	Old Settlers Historical Society	James N. Paul St. Paul	Robert Harvey St. Paul
Kearney	The Old Settlers of Kearney County, Nebraska.	Wm. Schafer Minden	Joe Hull Minden
Lancaster	Methodist Church Historical Society of Nebraska	Rev. Hiram Burch University Place	Rev. David Marquette University Place
Lancaster	Old Settlers Association of Southern Lancaster County.	W. P. Larsh Hickman	J. F. Judah Hickman
Nemaha	Nemaha County Historical Society	J. M. Burrese Auburn	Mrs. Kittie McGrew So. Auburn
Nemaha	Home Coming at Brownville	E. C. Berlin Brownville	William Kauffman Brownville
Otoe	The Old Settlers Association	L. E. Jones Palmyra	Frank P. Baldwin, Palmyra
Red Willow	The Old Settlers Association of Red Willow County	W. S. Fitch McCook	Mrs. Kate Thomas Indianola
Saline	Old Settlers Home Coming Picnic and Fair	Geo. F. Sawyer Western	William Kaup Western
Sarpy	Sarpy County Old Settlers Association	John Q. Goss Bellevue	Louis Lesieur Papillion
Sheridan	Old Settlers Association		W. R. Bowman Hay Springs
Valley	The Loup Valley Old Settlers Association	Oscar Babcock North Loup	C. J. Rood North Loup
Wayne	Pioneers Association of Wayne County	T. W. Moran Wayne	J. M. Cherry Wayne

## WILLIAM JENNINGS BRYAN PRIZE.

No branch of history or of learning, beyond the three R's, is as interesting or perhaps as important to Nebraskans as the history of their commonwealth, and none has been so much neglected. The history of the United States has been carefully taught—and properly so—in our public schools of high and low degree from their be-



ginning, while it cannot be said that instruction in the history of the state has been systematically begun. Owing to this peculiar condition, which has been due in part to the lack, until recent years, of books and other available collections of the necessary information, the generous offer by William J. Bryan of a prize of \$25 for the best paper on some topic of the history of Nebraska, as a stimulus to its study, is very timely and should be responded to by a large number of competitors. It is to be hoped, also, that Mr. Bryan's auspicious beginning may stimulate other contributions for the same or similar purposes. Following are the rules governing the contest for the Bryan prize.

1. The William Jennings Bryan prize of \$25 for the best unpublished monograph on Nebraska history will be awarded by the Nebraska State Historical Society.

2. Three judges shall be named by the board of directors of the Society, and competing manuscripts shall be placed in their hands before May 15, 1910.

3. Writers having an established reputation as historians, or who have published any important historical work, are barred from competition.

4. Papers must be based upon independent and original investigation of some phase of Nebraska history and be a distinct contribution to knowledge of the subject. They must conform to the accepted canons of historical research and criticism, contain references to all authorities, and be presented in scientific form accompanied by a critical bibliography.

5. The papers should be typewritten, or at least presented to the committee free from erasures, interlineations and other evidences of revision. If written by hand they must be legible, and in any case must be written on only one side of the sheet and be in form ready for publication.

6. Papers must not contain anything in addition to text, foot notes, and bibliography, except the name and address of the author and a short introduction setting forth the character of the material and the purpose of the work.

7. The prize will not be awarded for any paper not individually meritorious.

8. All manuscripts submitted shall become the property of the Society, and it shall have the first right of publication.

In case, however, any contributor does not receive notice from the Society, within six months, of its intention to publish his paper, he shall be permitted to publish it on his own account.

All papers intended for competition and all communications in regard to this contest should be addressed to the secretary of the Nebraska State Historical Society.

#### EDITORIAL AND RESEARCH WORK.

The employment of Mr. Albert Watkins as historian is the first important step toward the regular prosecution of the historical work proper along orderly, systematic and methodical lines. Mr. Watkins devotes his entire time to research and editorial work and it is expected that the character of the publications of the Society in the future will approach the high standard which should be its aim.

#### LIBRARY.

Many valuable donations have been made to the library, most important of which is a set of records of the *War of the Rebellion*, 126 volumes, in half-morocco binding, a gift of Hon. Eugene J. Hainer of Lincoln.

Among other donors to the library and the portrait collection are the following individuals: Charles R. Morehead, El Paso, Texas; Justus L. Cozad, Cleveland, Ohio; Dr. John B. Dunbar, Bloomfield, N. J.; Otis E. Allis, Council Bluffs, Iowa; William M. De Coursey French, Dubuque, Ia.; Dennis Farrel, New York, N. Y.; Robert V. Muir, Brownville, Nebr.; Heman C. Smith, Lamoni, Ia.; Rev. Joel Warner, Bloomington, Nebr.; Amanda Hamilton Warner, Bloomington, Nebr.; B. S. Dunbar, Manhattan, Kansas; L. B. Dougherty, Liberty, Mo.; Francis Withee, Stella, Nebr.; J. R. Campbell, Omaha, Nebr.; Rev. David Marquette, University Place, Nebr.; Miss Nina L. Gleason, East Brookfield, Mass.; Mrs. H. O. Paine, Lincoln, Nebr.; Edgar R. Harlan, Des Moines, Ia.; Miss E. N. Todd, Lincoln, Nebr.; J. B. Skinner, Hebron, Nebr.; Isaac N. Clark, Sutton, Nebr.; G. R. DeFord, Lincoln, Nebr.; Benjamin F. Shambaugh, Iowa City, Ia.; Merton J. Clay, Chicago, Ill.; Mrs. M. W. Ensign, Lincoln, Nebr.; Eugene F. Ware, Kansas City, Kans.; J. Irving Manatt, Providence, R. I.; Rev. Porter C. Johnson, Tecumseh, Nebr.; Captain Henry E. Palmer, Omaha, Nebr.; E. E. Gilles-

pie, Lincoln, Nebr.; M. H. Marble, Table Rock, Nebr.; G. Smith Stanton, New York, N. Y.; R. C. Harriss, Fairbury, Nebr.; E. W. Dole, Beatrice, Nebr.; Charles Francis Adams, Boston, Mass.; Helen M. Hitte, Brownville, Nebr.; Perl A. Minnick, Brownville, Nebr.; Charles O. Lobeck, Omaha, Nebr.; Joseph J. Breen, South Omaha, Nebr.; Arthur L. Anderson, Wahoo, Nebr.; Horace M. Jackson, Atchison, Kans.; John F. Kees, Filley, Nebr.; Dr. G. E. Spear, Lincoln, Nebr.; George H. Himes, Portland, Ore.

#### NEWSPAPER DEPARTMENT.

The Society now receives nearly all of the newspapers published in Nebraska and many from neighboring states, which are contributed free by their public-spirited publishers. Papers are received from ninety of the ninety-two counties of Nebraska. The work of the newspaper department is under the direction of Mr. W. E. Hannan, by whom these papers are arranged for the free use of the public. As they accumulate they are bound and filed away in fireproof vaults for the use of the future investigator.

#### MUSEUM.

There have been a number of additions to the museum during the year, some of the more important of which are

A collection of political badges and buttons loaned by F. W. Brown of Lincoln; a number of specimens added to the collection of the McReynolds Brothers of Nehawka; additional specimens of the work of beavers, collected by Frank M. Tyrrell on his ranch in Cherry county; an air cushion loaned by David McLaughlin of Brownville, and used by him as a rider of the Pony Express; a collection of Pueblo Indian material loaned by G. A. Dennis of Taos, New Mexico; a collection of revenue stamps loaned by John Mathewson; the figurehead of the battleship Nebraska, as a loan from the United States navy department.

#### FIGUREHEAD OF THE BATTLESHIP NEBRASKA.

The figurehead, or bow ornament, of the battleship



Nebraska is now in possession of this Society as a permanent loan from the navy department at Washington, secured through the assistance of Governor Ashton C. Shallenberger and Congressman M. P. Kinkaid. With the adoption of "slate color" paint with which to finish the exterior of battleships, armored cruisers, etc., the figureheads lost their value as a feature of ship ornamentation. It was decided, therefore, to remove the figureheads from the vessels of the classes referred to in order to relieve the vessels of unnecessary weight. The figurehead of the battleship Nebraska was removed at the navy yard, New York, in May 1909. It is of cast iron, and is a duplicate in design and finish of the bow ornament fitted on the battleship Virginia.

The figurehead weighs, when packed for shipment, 4,055 pounds. It is now in storage in a knocked down condition and cannot be successfully exhibited until we have more room.

#### MEMBERSHIP.

The rapid increase in membership of the Society during the past few years is a fair indication of the growing interest in its work. It is especially pleasing to note that every county in the state is represented in these additional members and that they come from the most progressive and intelligent class of our citizens.

The following figures show the annual receipts of the treasurer from membership fees since 1900.

1900	\$6.00	1905	\$20.00
1901	6.00	1906	140.00
1902	6.00	1907	270.00
1903	2.00	1908	396.00
1904	4.00	1909	332.00

This larger membership, however, brings to the So-

ciety increased duties and greater responsibilities, as well as a wider field of opportunity and usefulness. Under the present constitution the membership fee is but two dollars, with no annual dues, and the Society is supposed to furnish all members with its current publications. This creates a financial burden which the Society cannot longer carry unless appropriations are materially increased or provision is made for annual dues as in other similar societies. With annual dues of even one dollar entirely devoted to publication purposes, a volume could be issued each year and delivered free to all members.

DECEASED MEMBERS.

Since the last annual meeting we have been called upon to record the death of eight members of the Society, a number almost as large as the preceding year, which was a larger loss than we ever sustained in any one year. In a future volume we shall undertake to give a brief biographical notice of these, each of whom had a part in shaping the destinies of this commonwealth.

IN MEMORIAM.

GUY CONGER BARTON

Born in Ohio, July 1, 1839, died at Omaha, Nebraska,  
June 15, 1909.

JAMES H. CANFIELD

Born in Ohio, 1847, died at New York City, March 29,  
1909.

LORENZO CROUNSE

Born in New York, January 27, 1834, died at Omaha,  
Nebraska, May 14, 1909.

NICHOLAS A. DUFF

Born in Wisconsin, September 9, 1852, died at Nebraska  
City, September 20, 1908.

GENERAL RICHARD C. DRUM

Born in Pennsylvania, May 28, 1825, died at Washington,  
D. C., October 15, 1909.

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ERNEST DONALD GARROW

Born in Scotland, February 17, 1851, died at Nebraska City, November 2, 1909.

DAVID MARSHALL JOHNSTON

Born in Ohio, 1823, died at Otego, Kansas, February 9, 1909.

WILLIAM WALBRIDGE WATSON

Born in Michigan, December 20, 1844, died at Fairbury, Nebraska, August 14, 1909.

### LEGISLATIVE REFERENCE DEPARTMENT.

I feel it my duty to renew the recommendation, which I have made from time to time, that the legislative reference library be separated from the regular work of this Society for the following reasons:

First—It is not a proper function of the Society under the present constitution.

Second—It increases the expense of the administration and has not brought to the Society any corresponding increase in income.

Third—It has a tendency to involve the Society in politics and to antagonize many who would otherwise be earnest supporters of our regular work.

I am not in sympathy with those who condemn altogether the idea of a legislative reference bureau as a "fad and without merit," but I do believe that it ought to be put where it belongs in connection with the state library or the free public library commission. In the words of an eminent citizen of Nebraska, "The gathering of material that has made, is making, or will make history is entirely legitimate for the State Historical Society, but for the Society to maintain a man in an office in the state house during legislative sessions, to furnish information and material to members of the legislature upon subjects upon which parties, sections and interests



divide is not legitimate or safe for the Society, and puts a power in the hands of the man selected that is dangerous and unsafe." This is the opinion of many men who have protested against the action of the Society in establishing this bureau. Of course, if it is wise and proper, we should not be influenced by the opinion of one man, or a few men; but is it wise and proper?

FINANCIAL STATEMENT.  
CURRENT RECEIPTS AND EXPENSES, 1909.

Balances from December 31, 1908:

Cash in hands of treasurer.....	\$564.01	
Balance of 1907 appropriation.....	2,597.97	
Total .....		\$3,161.98

RECEIPTS, 1909.

Membership fees .....	\$322.00	
Sale of books.....	1.60	
Miscellaneous receipts .....	5.50	
Sale of building on site.....	204.24	
Crounse memorial fund.....	500.00	
Publication fund .....	100.00	
State appropriation, 1909.....	\$15,000.00	\$16,133.34
Total .....		\$19,295.32

EXPENDITURES, 1909.

Salaries .....	\$6,367.54
Postage .....	159.50
Express .....	93.92
Freight and drayage.....	86.09
Telephone and telegraph.....	122.21
Traveling expenses .....	292.89
Extra labor .....	185.22
Books purchased .....	176.34
Printing .....	201.25
Binding newspapers .....	159.65
Binding books .....	4.00
Advertising .....	4.00
Photography .....	76.32
Stationery and office supplies.....	108.17
Annual and board meetings.....	13.10

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Furniture and fixtures.....	110.40	
Miscellaneous expenses .....	450.71	
Total expenditures .....	\$8,611.31	
Unexpended balance, 1907 appropriation—lapsed .....	.02	\$8,611.33
Balance .....		\$10,683.99
Consisting of:		
Contingent fund in hands of secretary	\$100.00	
Cash in hands of treasurer, general fund .....	918.75	
Cash in hands of treasurer—Crounse fund .....	472.15	
Cash in hands of treasurer, publication fund .....	100.00	
Unexpended balance, 1909 appropriation .....	9,093.09	
Total available funds.....		\$10,683.99

## BASEMENT APPROPRIATION.

Unexpended appropriation of 1907.....		\$25,000.00
Expended during 1909:		
Building contract for foundation.....	\$10,120.00	
Additional construction .....	8,070.00	
Granite .....	4,990.00	
Architect's fees .....	1,250.00	
Superintendence of construction.....	516.00	
Advertising for bids.....	23.50	
Attorney's fees .....	25.00	
Water .....	4.95	
Total expended .....	\$24,999.45	
Unexpended balance—lapsed .....	.55	\$25,000.00

LINCOLN, NEB., Jan. 3, 1910.

ROBERT HARVEY,

*Acting President Nebraska State Historical Society.*

DEAR SIR:

Acting under your instructions I have made a thorough audit of the receipts and disbursements and the condition of the various funds of the Society for the year 1909 and find the same to be in accord with the foregoing financial statement.

All vouchers have been examined and found correct in form and detail and the items of disbursement charged to appropriate accounts.

Respectfully,

H. S. WIGGINS, *Public Accountant.*

By action of the board of directors, the bequest of \$500 from Lorenzo Crounse was reserved for the purchase of books. The total available funds as given above includes the balance of this fund, \$472.15. Deducting this amount, there remains available for the remaining fifteen months of the biennium \$10,211.84. The pro rata amount of the state appropriation for the coming fifteen months is \$9,375; thus there remains at the Society's disposal \$836.84 in excess of this amount. With the prospect of additional funds from membership fees, the Crounse Memorial fund for books and \$10,211.84 for general purposes, the finances of the Society are on a safe business basis.

Respectfully submitted,

CLARENCE S. PAINE, *Secretary.*

A motion to adopt the report of the secretary was seconded and carried.

The report of Treasurer S. L. Geisthardt was then read by the secretary.

#### TREASURER'S REPORT FOR YEAR ENDING JANUARY 1, 1910.

To the officers and members of the Nebraska State Historical Society:

I hereby respectfully submit my report as treasurer for the year ending January 1, 1910.

I am to be charged with the receipts and disbursements shown in detail on the schedule annexed as follows:

1909.

#### RECEIPTS.

Jan. 1. Balance on hand in National Bank of	
Commerce .....	\$601.23
Cash, Crounse memorial fund donation	500.00
Cash, publication fund, donation.....	100.00



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Cash, membership fees and sundries....	533.34	
Total receipts .....		\$1,734.57

1909.

## DISBURSEMENTS.

Cash warrants on general fund.....	\$202.82	
Cash warrants on Crounse memorial fund .....	37.85	
Total disbursements .....		240.67

Balance in National Bank of Commerce per check herewith.....	\$1,493.90
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I submit herewith bank book duly balanced, together with vouchers and checks to the Society for the balance on hand.

Dated January 1, 1910.

S. L. GEISTHARDT, *Treasurer.*

S. L. GEISTHARDT, *Treasurer,*

*In Account with Nebraska State Historical Society.*

1909.

## RECEIPTS.

Jan. 1	Balance per report, January 1st, 1909.....	\$601.23
Apr. 29	Sale of books.....	1.25
June 29	Sale of book .....	.35
June 29	Express charges refunded.....	2.50
Oct. 9	Certification .....	1.00
Oct. 9	Lorenzo Crounse memorial book fund.....	500.00
Dec. 14	George A. Berlinghof, publication fund, donation.....	25.00
	Eugene J. Hainer, publication fund, donation.....	25.00
Dec. 21	William H. Ferguson, publication fund, donation.....	25.00
	Samuel A. Foster, publication fund, donation.....	25.00
Dec. 23	Sale Cooper house on building site.....	204.24
Dec. 29	Sale of boxes.....	2.00
	Received 161 annual membership fees @ \$2.....	322.00
	Total .....	\$1,734.57

## DISBURSEMENTS.

1909.

Mar. 10	W. H. Newlin, books, warrant No. 182 T.....	\$ 3.75
Mar. 10	Maud Spacht, clerical work, warrant No. 185 T.....	1.00
Mar. 10	Nellie Bainbridge, clerical work, warrant No. 183 T .....	2.00
Mar. 16	George Miller, expenses, warrant No. 186 T.....	7.75
Mar. 30	Robert Harvey, exp. Washington, warrant No. 181 T .....	34.22

Apr. 21	City Nat. B., (C. S. P. office fund) warrant No. 188 T .....	100.00
June 25	Nat. B. of Com. (F. B. Wright records) warrant No. 189 T.....	1.50
May 6	Dalrymples, reception Feb. 24, 1909, warrant No. 187 T .....	10.00
Nov. 5	Hammersmith Engraving Company, "Crounse fund," warrant No. 190 T.....	10.50
Nov. 13	Kostka Glass & Paint Co., supplies, warrant No. 193 T .....	3.70
Nov. 15	Lincoln Tel. Co., phone Nov., warrant No. 194T .....	5.00
Nov. 15	U. S. Express Co., transportation, warrant No. 196 T .....	2.35
Nov. 17	Gaylord Bros., supplies, warrant No. 192 T .....	2.95
Nov. 18	F. & M. Bank, (Neb. Tel. Co.) rent & toll Oct. & Nov., warrant No. 195 T .....	8.35
Nov. 22	Carrie M. Osborne, Crounse fund, warrant No. 191 T .....	1.50
Nov. 29	Nat. B. of Com. (George Bros.) printing & postals, warrant No. 197 T.....	13.50
Dec. 2	Katy Schlieger, salary Nov., warrant No. 199 T .....	10.00
Dec. 2	E. E. Blackman, sweeping comp., warrant No. 198 T .....	3.75
Dec. 9	C. W. Bowen, Crounse fund, warrant No. 201 T .....	1.00
Dec. 9	W. W. Wiloughby, Crounse fund, warrant No. 202 T .....	13.00
Dec. 13	L. O. Howard, dues 1910 Am. Assoc., warrant No. 200 T .....	3.00
Dec. 23	Thomas W. Bicknell, Crounse fund, warrant No. 203 T .....	1.85
Total disbursements .....		\$240.67
Balance in National Bank of Commerce.....		\$1,493.90

It was moved and seconded that the report of the treasurer be adopted as read. Seconded and carried.

Mr. Sam B. Iiams moved that subsections 4, 5 and 6 in the order of business be passed. Seconded and carried.

Mr. Iiams then moved that the election of members be passed for the present. Seconded by Secretary Paine. Carried.

Mr. Paul Clark then moved that the regular order of business be suspended and that the meeting proceed to the discussion of the proposed amendments to the constitution. Seconded.

Mr. Sam B. Iiams moved to lay the motion on the table. The vote on the last motion resulted in a call for a division of the house. The motion to table was carried.

It was then moved to proceed to the election of officers for the ensuing year. Seconded and carried.

Mr. Paul Clark placed in nomination John Lee Webster of Omaha for the office of president. Secretary Paine seconded the nomination of Mr. Webster.

There being no other nominations, Mr. Paine moved that the secretary be instructed to cast the entire vote of the Society for Mr. Webster for president for the ensuing year. The vote being so cast, Mr. Webster was declared elected.

Mr. Robert Harvey was placed in nomination for first vice president by Herbert A. East. The nomination being seconded and there being no other nominations, Mr. East moved that the secretary be instructed to cast the entire vote of the Society for the election of Mr. Harvey to the office of first vice president. The motion was put by the secretary and carried. The ballot being cast, the secretary declared Mr. Harvey to be elected to the office of first vice president for the ensuing year.

Nominations for the office of second vice president being called for Mr. Hainer placed in nomination Samuel C. Bassett of Gibbon; the nomination being seconded and there being no other nominations for the office of second vice president, Mr. Hainer moved that the secretary be instructed to cast the unanimous vote of the Society for Mr. Bassett. Seconded and carried. The ballot was so cast and Mr. Bassett declared to be the choice of the So-



ciety for second vice president for the ensuing year.

Dr. H. B. Lowry placed in nomination Stephen L. Geisthardt for treasurer. There being no other nominations, Dr. Lowry moved that the secretary be instructed to cast the unanimous vote of the Society for Mr. Geisthardt for treasurer. Seconded and carried. The ballot was so cast and Mr. Geisthardt was declared elected.

Nomination for the office of secretary being called for, Mr. B. A. George placed in nomination Clarence S. Paine, the nomination being seconded by M. J. Waugh, Myron L. Learned, C. F. Harpham, Chancellor W. P. Alysworth and others. There being no other nominations, Mr. George moved that the president be directed to cast the unanimous vote of the Society for C. S. Paine for secretary for the ensuing year. The ballot was cast and Mr. Paine was declared the choice of the Society for secretary.

Judge J. E. Cobbey moved that the Society instruct the board of directors to take such steps as they should deem proper to separate the legislative reference bureau from the Society at its earliest opportunity. Mr. Paul Clark moved to amend by referring the subject matter of the motion to the board of directors with plenary power. The amendment being accepted by Mr. Cobbey, and the motion duly seconded, it was carried.

Mr. Sam B. Iiams then moved the adoption of the following amendment to the by-laws, which motion was seconded.

*Be it Resolved by the Nebraska State Historical Society:*

Section 1. That section two (2) of the by-laws be and the same is hereby amended to read as follows:

Section 2. The secretary shall act as librarian of the Society. He shall have the custody of the Society's property, and the general supervision and management of its work, as herein provided, under the control of the board of directors. He

shall use his best efforts to promote the growth of the library and museum, and preserve a complete record of the articles received by the Society. He shall keep the records of the meetings of the Society and conduct the correspondence of the Society and of the board. He shall preserve all correspondence received, in proper files, and keep a copy of all letters written by him. He shall see that all employees of the board perform their duties, and carry out the rules and orders of the Board. Only members of the Society shall be entitled to draw books from the library, and no manuscripts or articles from the museum shall be withdrawn from the custody of the secretary.

The secretary shall receive for his services the sum of \$1500 per annum, payable in monthly installments on the first day of each calendar month for the month preceding.

Section 2. That section two (2) of the by-laws as heretofore existing be and the same is hereby repealed.

After some discussion, participated in by Mr. Paul Clark, Mr. Iiams and Professor George E. Condra, the motion was carried and the amendment to the by-laws adopted.

Mr. Thomas P. Kennard offered the following resolution, which was read by the secretary.

Be it resolved by the State Historical Society of the state of Nebraska that we, the members of the said Society, request the directors to temporarily modify the plans of the building being erected so that the State Historical Society may occupy the hundred feet now under construction, the central hundred feet to be modified to accommodate the supreme court and its officers, and the north hundred feet to be formed to accommodate the state library until such time as the state may erect a new capitol building into which both library and supreme court may be transferred.

T. P. Kennard.

Mr. Iiams moved the adoption of the resolution, seconded and carried.

Mr. A. J. Sawyer then proposed the following resolution:

WHEREAS, we, the members of the Nebraska State Historical Society, assembled at our annual meeting, have learned with profound sorrow of the protracted illness of our honored and revered president, Dr. George L. Miller, which renders it im-

possible for him to be with us and preside at this meeting, we here express to him and his devoted wife our most heartfelt sympathy and assure him that we remember with grateful appreciation his earnest devotion and arduous labors in the past for the best interests, growth and prosperity of the work of our Society, and express the hope that his health may be restored and his long career of usefulness as one of the foremost citizens of our commonwealth may be prolonged for many years to come.

Mr. Sawyer moved the adoption of the resolution. Seconded and carried.

Mr. Sawyer, as chairman of the committee on obituaries, presented the following report of that committee, which was adopted by a rising vote.

The committee on obituaries reported that during the year 1908 Nicholas A. Duff, and in 1909 James H. Canfield, Lorenzo Crounse, Richard C. Drum, Ernest D. Garrow, David Marshall Johnston, William W. Watson and Guy Conger Barton passed into the Great Beyond.

These our brothers who have gone, whether as chancellor or publicist, governor, jurist or statesman, whether as freighter over the vast plains, facing dangers and hardships innumerable in pioneer days, or farming the fertile soil in later times, whether engaged in vast commercial enterprises, requiring large capital and business capacity, or in the humbler affairs of life; in whatever sphere of activity engaged, they and each of them wrought with steady hand and high endeavor, with fidelity to truth and nobleness of purpose.

They were without exception self-made men, strong in mind, powerful to will and to do, patriotic of soul, sympathetic of heart and abounding in charity and good works. They were men of sterling worth, unquestioned integrity and highest honor. They were proud of their state and her achievements and did what they could to promote her future greatness and to foster and build up this Society whose mission it is to accurately write the past, the present and the future history of their adopted state.

Though their labors here have ceased and we shall no more meet them on this side the shores of time, we rest in the abiding faith that they are only gone, not dead; no, for,



“There is no death! An angel form  
 Walks o’er the earth with silent tread;  
 He bears our best loved things away,  
 And then we call them ‘dead.’  
 And ever near us, the unseen,  
 The dear immortal spirits tread;  
 For all the boundless Universe  
 Is life—there are no dead.”

*Resolved*, That we extend to the bereaved families our sincere sympathy and consolation and that a copy of these resolutions be sent to each.

ANDREW J. SAWYER,  
 JOHN W. STEINHART, *Committee.*  
 MRS. KITTIE MCGREW.

The secretary then presented the following list of names for membership in the classes indicated.

## ACTIVE.

Arthur L. Anderson, Wahoo.	Allen J. Ohler, Lincoln.
Mrs. Arabella M. Bush, Holdrege.	Andrew L. Ogden, Bethany.
Oliver L. Barnes, Lincoln.	Calvin R. Phillippi, Lincoln.
John A. Buckstaff, Lincoln.	William Purcell, Mason City.
James W. Coleman, Neligh.	William Proebsting, Omaha.
Joseph E. Cobbey, Beatrice.	Louis J. Proebsting, Omaha.
Charles E. Comstock, Lincoln.	Herbert C. Probasco, Lincoln.
Griffith J. Culbertson, Lincoln.	Rev. Elmer P. Quivey, Omaha.
Jason L. Claflin, University Place.	William Rogers, Ceresco.
Lawrence B. Clark, Lincoln.	Edward J. Robinson, Lincoln.
Robert E. Deemer, Lincoln.	George H. Risser, Lincoln.
Frank D. Eager, Lincoln.	Fred H. Richards, Fremont.
James S. Ewart, Lincoln.	William E. Stilson, York.
Herbert T. Folsom, Lincoln.	Ralph Smith, Huxley.
George S. Foxworthy, Lincoln.	Dr. Kate Stoddard, Lincoln.
William H. Ferguson, Lincoln.	John M. Stewart, Lincoln.
John W. Fisher, Topeka, Kan.	Edward M. Slater, Omaha.
Jacob Forsyth, Lincoln.	Florence E. Paine Slater, Omaha.
Lemuel D. Geiger, Lincoln.	Charles A. Tucker, Lincoln.
Thomas V. Goodrich, Lincoln.	Addison S. Tibbets, Lincoln.
Frank L. Haller, Omaha.	Robert H. Willis, Bridgeport.
Henry F. Holm, Lincoln.	Clarence A. Wirick, Lincoln.
George J. Hunt, Bridgeport.	Bert Wilson, Bethany.
Eugene J. Hainer, Lincoln.	George G. Waite, Lincoln.
	Clara A. Sibley Paine, Lincoln.

Mary Smith Hayward, Chadron.	Harry Kirke Wolfe, Lincoln..
Gustaf Johnson, Ceresco.	Jacob Wiggins, McCook.
Alfred Keens, Lincoln.	Berend J. Brethouwer, Lincoln.
Helena Krueger, Lincoln.	Mildred Vance, Crete.
George A. Loveland, Lincoln.	Edward H. Marshall, Lincoln.
Charles M. Mayne, Lincoln.	

## HONORARY.

Gen Grenville M. Dodge, Council Bluffs, Iowa.  
 James Mooney, Washington, D. C.  
 Eugene F. Ware, Kansas City, Kans.

## CORRESPONDING.

George W. Martin, Topeka, Kans.  
 Doane Robinson, Pierre, So. Dak.  
 Edgar R. Harlan, Des Moines, Ia.  
 Benjamin F. Shambaugh, Iowa City, Ia.  
 Warren Upham, St. Paul, Minn.

On motion, the secretary was instructed to cast the ballot of the Society for the election of the persons named. The ballot was so cast and the parties named declared elected.

Mr. Sam B. Iiams then moved that the meeting adjourn, *sine die*. Motion was seconded by Louis R. Smith and carried.

CLARENCE S. PAINE, *Secretary*.

## SPECIAL JOINT MEETING.

A special meeting of the Nebraska State Historical Society and the eighteenth annual meeting of the Nebraska Territorial Pioneers Association, was held at the First Christian church, Lincoln, Nebraska, January 17, 18, 19, 1910.

On Monday, January 17, at half past one o'clock in the afternoon, there was a meeting of the executive committee of the Nebraska Territorial Pioneers Association, at the rooms of the State Historical Society, followed,

from 2 to 5 o'clock P. M., by an informal reception to members and friends of the State Historical Society and the Pioneers Association.

#### FIRST SESSION.

A joint session of the Nebraska State Historical Society and Nebraska Territorial Association was held at 7:45 P. M., January 17, John L. Webster presiding.

After the meeting was called to order, Rev. A. L. Ogden offered the invocation, and Chancellor Samuel Avery gave an address of welcome.

Rev. Michael A. Shine then read a paper on The First Catholic Bishop in Nebraska.<sup>1</sup>

The president introduced Judge Eleazer Wakeley who gave the following address.

#### LIFE AND CHARACTER OF LORENZO CROUNSE.

A few months ago I was one of those who, in another place, spoke in regard to the life and career of both a lawyer and distinguished jurist which seemed to me to be proper for that occasion, and when recently I was asked to perform the same office here, it seemed to me then, as it still does now, that it would have been better if one of the younger men of the state who were intimate with Governor Crouse in his private life and associated more or less with him in his business duties, should have performed this office that I have been asked to fill. It seems though that is not the case. I yielded and I am here tonight to speak to you, perhaps along somewhat different lines, upon the life of the man whose memory we commemorate this evening.

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<sup>1</sup> The paper is printed in Collections of the Nebraska State Historical Society, volume XVI, page 205.



On the roll of the pioneers who came to Nebraska, in the later years of its territorial period, to identify themselves with its fortunes and its future, the name of Lorenzo Crounse holds a conspicuous and an honored place. His part in its territorial and state history was influential. He was, for many years, a prominent and faithful member of this Society, and it is peculiarly fitting that his name and his memory should be perpetuated in its records. His residence in the territory and state was continuous from 1864 to his death on May 13, 1909; and nearly one half of those forty-five years was passed in the public service — a career which would warrant a fuller treatment than the purpose of this sketch requires or the proper limits of the occasion would permit.

Prior to the passage of the organic act for Kansas and Nebraska territories, in May, 1854, the westward course of civil government and material improvement had reached, and halted at, the Missouri River. Beyond that boundary there stretched indefinitely towards the Rocky Mountains, and from the northern limit of Missouri to the forty-ninth parallel, that vast region of solitude, where the wigwam was the type of man's abode and the trail of the buffalo was the precursor and prophecy of the highway and the railroad. But in its untouched soil was the potentiality of a wealth and a contribution to the comfort and progress of mankind, in the ages to come, which no mathematics can compute.

When Governor Crounse, then a young lawyer, came to Nebraska in 1864, the ten years had wrought its work of change and improvement. Organized counties along the Missouri from Richardson to Niobrara; in the valleys of the Platte and Elkhorn, and the many streams in the interior; and, generally, in the eastern and central portions of the territory were being filled with a people in-

telligent, enterprising and hopeful. But, as yet, they were without the railway, that potent modern agent and essential factor of development. Horse and mule trains carried the increasing commerce from the Missouri to the settled portions of the West. Market towns were wanting; implements of agriculture were few and crude; rural mail delivery, and the rural automobile were not yet even a dream of the progressive. The soil waited for the improved culture which to-day is being invoked as the substitute for an exhausted public domain and the remedy for an indefinite increase of population on the limited acreage of the country. The problems of future growth, prospective wealth, social conditions, and the governmental system of our ever-increasing people were to be solved. And it was the mission of that body of vigorous, resolute, and resourceful young men who were locating in the cities and the new counties of Nebraska to meet these problems and find their best solution. Among these was Lorenzo Crounse.

He was born in Sharon, Schoharie county, New York, January 27, 1834, being the youngest of a family of four sons and three daughters. His father was John Crounse, of German descent, his grandfather having come from Germany, and settled in Albany county. His mother was Margaret Van Aernam, whose grandfather came from Holland and settled in the same county. Thus, he inherited the sturdy virtues, the frugal habits, and the love of the simple life which characterizes the natives of those lands and the emigrants therefrom who have sought homes in America.

Without family wealth to afford him a college career, his education was such as could be had in the common schools, supplemented by two terms in the New York Conference Seminary, of five hundred to eight hundred

students. In this seminary he took his first lessons in debate and presided at the exercises which closed his second term. He emerged from this institution to become a teacher in the public schools, at the early age of seventeen years — that vocation through which so many men, in this land of equal privilege, have passed to renown. Out of the plans and aspirations for the future which fill the mind of the American boy, destined to success, young Crounse decided upon the practice of law as his field of work and studied for that profession for two years, from 1855 to 1857, in Fort Plain, where he was admitted, in due time, to the bar and began his practice.

This continued until the commencement of the Civil War, that epochal time in the destiny of the republic, when he joined the great army, composed largely, as it was, of youths in their teens, and young men, like himself, beginning the work of their lives, which carried the flag to its final triumph.

He raised, at Fort Plain, Battery K, First regiment, New York Light Artillery, and became its captain, going into the field and bearing a soldier's hardships, doing a soldier's duty on the march, and in many battles. He was severely wounded while holding Beverly Ford, on the Rappahannock River, in Virginia, and after a partial recovery he resigned and returned to his home.

In January, 1862, he was appointed and served as judge advocate of a general court martial. For meritorious service he was offered promotion, but declined it from a sentiment of duty to the sons of his friends and neighbors, to whom he had promised care and protection when they enlisted under his command. It should also be noted as characteristic that through his life he steadily declined to receive or apply for a dollar of the pension to which he was entitled.



He did not long pursue the practice in his native state, which he had left at the call of duty. The lure of the West was upon him. Beyond the Missouri was an embryo state where resolution and courage, which might lie dormant and rust in the quiet and monotony of an old community in an eastern state, were needed and would be welcomed.

With this to inspire him and with the experience and equipment indicated by the incidents of his earlier life, he came to Nebraska, in 1864, as already mentioned, and locating in Rulo, Richardson county, he opened a law office and awaited his share of legal patronage.

The judicial system, moulded on that of territories generally, provided for three districts to which, respectively, the chief justice and two associate justices of the supreme court were assigned. Richardson county, in the second district, was a goodly county, rich in its undeveloped wealth of soil and resources. But, with its sparse population, without a commercial city, and with but few important controversies to be settled in court, it did not present a field to satisfy the lawyer aspiring to a high place in his profession or eager for the rewards which that should bring. But its people were intelligent and discriminating. They saw in the young man who had come among them the open stamp of intelligence and sincerity, which invited their confidence.

His political convictions, always firm and uncompromising, were in accordance with their own, and within a few months he was chosen by a decisive majority as one of the four members of the house of representatives from Richardson county, in the territorial legislature. His opportunity had come. At the session of that body in January, 1866, he was one of the judiciary committee and also a member of the committee on revision of statutes,

compiled by Experience Estabrook, and which were adopted and took effect July 1, 1866.

Prior to that session, the question of state admission had been submitted to the people and decided adversely. The scheme was renewed at that session, and Mr. Crounse was a member of the committee to prepare the draft of a constitution to be submitted to the electors. The act therefore was passed in February, 1866, embodying a proposed constitution to be submitted on June 2, 1866, and for the tentative election, at the same time, of the executive and judicial state officers provided for. The judicial officers were to be a chief justice, and two associate justices of the supreme court, with the same jurisdiction as those of the territory under the organic act. At the republican nominating convention, Mr. Crounse was unanimously chosen as one of the candidates for associate justice. The election occurred, as ordained, on June 2, and its result has a historic interest. Political parties had been formed and active in the territory for several years. They were quite equally divided. It happened that the republicans generally favored, while the democrats, with few exceptions, opposed state admission. The fate of the nominees was bound up with that of the proposed constitution.

The official canvass for state and judicial offices was by the territorial governor, secretary, and chief justice. The total vote was a little less than eight thousand. By the declared result, the constitution had been adopted by a majority of one hundred, and the republican nominees, with one exception, had been elected. The majorities were small. Judge Crounse had but ten over his highest, and but sixty-five over his weakest opponent.<sup>1</sup> The re-

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<sup>1</sup> William A. Little, Democrat, received the highest number—4,040

turns from two precincts, one showing a majority of seventy-eight, the other of eleven against the constitution, were rejected. Fifty-nine disputed votes in favor of the constitution were counted. If opposite decisions had been made by the board, in each of these instances, the canvass would have shown a majority of forty-eight against the constitution and majorities for all the democratic nominees. Small majorities in elections are frequent, but in no other instance, it is safe to say, has the admission of a state been staked on so perilous a hazard.

In the bitter partisan feeling of the time, the action of the canvassing board was severely criticized; but its decision was final and unimpeachable. Nebraska took its perpetual place as a state in the American Union, and, despite the disappointments and errors which may have followed it, few, at this day, will doubt the wisdom of its choice.

The six years term for which Judge Crounse had been elected began with the admission of the state in March, 1867. The territorial judicial system had been continued by the constitution. The chief justice and associates were respectively to hold the district courts in three districts, with full civil, criminal, and law and

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—of votes cast for candidates for the office of judge of the supreme court and was elected. George B. Lake, Republican, was second, with 4,108, and Crounse third, with 4,027. Edward W. Thomas, Democrat, was fourth, with 4,017, only ten less than the vote for Crounse. The secretary, governor and auditor canvassed the votes for judicial and state officers, and the governor, attorney and chief justice of the territory, the vote upon the adoption of the constitution, as prescribed in the act of submission. The committee which drafted the constitution was a self-appointed coterie.

See my footnotes 45 and 46, Nebraska Constitutional Conventions, volume III, page 494, correcting errors upon these points. For a full account of this epochal episode of Nebraska politics see *Illustrated History of Nebraska*.—ED.



equity jurisdiction, and to sit together twice each year as justices of the supreme court. The third district comprised all the area north of the Platte river, excepting Douglas and Sarpy counties. Judge Crouse was assigned to that district, and removed to Fort Calhoun, Washington county, where he subsequently resided until a few years before his death.

Thus, at the age of thirty-three years, without previous judicial experience, or the legal knowledge which comes from years of trial and competition in difficult cases, Judge Crouse entered upon the exacting duties of a trial judge, in a district of large area and many organized counties, without facilities of travel, with few conveniences for holding court, or places for administering justice with such dignity and decorum as befits that high function. Added to this was his part in the work and responsibilities of the court of last resort, with no precedents in his own state to aid him and with little help, through a public library, from the decisions of other courts.

This is not the occasion for inquiring critically, or from the lawyer's standpoint, how those duties were performed. But this can be said, that he brought to their discharge a keen intelligence, an innate sense of justice, a practical understanding, an industry in the search of authority, and a conception in the given cause of "the very right of the matter" which seldom failed to reach correct results.

It fell to him to write the opinions of the supreme court in several causes known to the profession as "leading cases"; that is, cases in which facts are such that precedents fail to furnish a safe rule of decision, and the judge must rely, greatly, on his own resources of logic and reasoning for their decision. In some of his opin-

ions are found an assurance of expression and apt illustration, a copiousness of authority, and a force of reasoning, which characterizes the ablest jurist, and gave reason to believe that if Judge Crounse had continued on the bench, inspired with an ambition to reach judicial distinction, he would have reached and held it.

But this did not happen. In 1872, near the close of his judicial term, he was nominated in the Republican state convention for representative in the forty-third Congress; and being again elected in 1874, he served in that body for four years. Nebraska, at that time, was entitled to only one representative, who was thus charged with the interest of a constituency scattered over a great area, in a country new and crude as compared with the settled and populous districts of the older states. Such a constituency does not demand of its representative so much that he make a conspicuous figure in national politics as that he take care that its material interests are promoted. But Judge Crounse was a member of important committees, among them the committee on territories, at that time one of large responsibility, and he was an influential and active member of the Congress.

Railroad interests had become important. The Union Pacific, along the Platte River, had been completed. The system of local railways, one above and one below the Platte, were being extended and ramified. In the friction between transportation companies and their patrons, and in the rivalries between competing companies, so far as affected by legislation, representative Crounse, by conviction and impulse, was on the side of those most needing protection. He introduced and pressed the bill for the taxation of the great bodies of land grant subsidies in the new regions of the West; another to abolish the oppressive tolls over the Union Pacific railroad bridge

across the Missouri, at Omaha; still another was the *pro rata* bill to compel the Union Pacific to deliver freight to the Burlington and Missouri road at its Kearney terminus on a *pro rata* basis of freight charges. Entrusted with these duties and responsibilities, to satisfy all constituents and all conflicting interests was not an easy or a wholly feasible task. Yet Congressman Crouse retired at the end of four years service strong in the regard and confidence of the people he had represented.

A United States senator was to be chosen for the term to commence in March, 1877, and, without seeking a third nomination for representative, he permitted his name, with the approval of his friends, to be submitted as a candidate for senator, but found interests arrayed against him too strong for success. Withdrawing, for a time, to his large farm adjoining Fort Calhoun, he led the life of a practical agriculturist, continuing, however, to take an active part in state and national politics.

In 1879 he was tendered and accepted the appointment of collector of internal revenue for the district of Nebraska, holding the office for four years, and performing his official duties at Omaha while maintaining his home at Fort Calhoun.

Again, in 1891, on the recommendation of United States senators Manderson and Paddock, he was appointed by President Harrison, assistant secretary of the treasury. Resigning this position in 1892, when an exigency in Nebraska politics demanded a strong and popular man to lead the republican ticket, he accepted the nomination of his party for governor. His opponents, J. Sterling Morton, as the democratic, and Charles H. Van Wyck, as the populist nominee, were men of recognized ability, of national reputation, and experienced campaigners. Accepting a challenge from ex-Sen-



ator Van Wyck, Judge Crounse met him in joint debate at many places in the state, upholding his reputation as a felicitous public speaker and successful canvasser. Soon removing the initial doubt as to the result, he was elected by a large plurality over both opponents, and was inaugurated as governor of Nebraska in January, 1893.

The office of governor of an American state is one of dignity and honor, yet its functions are not spectacular nor its duties, as a rule, of a character to greatly excite public interest. The day of the war governors, which some of us remember so well, has passed, never, as we believe, to return. Some of them, by invaluable services to the republic in the crisis of our nation's life, made for themselves historic names; but, happily, the governor of this day has no such conspicuous theater of action. "Happy," says the moralist, "is that country whose annals are tiresome."<sup>2</sup>

Under our Nebraska constitution the veto power—the supreme executive power—the duty to see that the laws are faithfully executed, and the appointment of public officers are vested in the governor, and under the constitution and laws he has a large supervision over the property and finances of the state and the state institutions.

At the outset of his administration, Governor Crounse made it clear that economy, retrenchment, rigid accountability for expenditures of public money, and strict adherence to law and rules of conduct by all subordinates of the executive department and all state institu-

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<sup>2</sup> "Happy the people whose annals are tiresome." An aphorism of Montesquieu's, of which there are several variations. Carlyle, *French Revolution*, book II, chapter I.—ED.

tions would be exacted; and, to this end, he gave his time and his efforts throughout his term.

He was, himself, one of the first against whom the rule was enforced. It was a rare departure from precedent, not likely to become frequent, that a governor should veto an item in an appropriation bill giving him two thousand dollars for house rent. This Governor Crounse did, and at all times, regardless of legal restraint, or of any barrier except individual conscience, he could be depended upon to oppose any and every device for exploiting the treasury included in that comprehensive word of modern use, "graft."

Putting the interests of the state above all personal or political considerations, he retained in office several democrats appointed by Governor Boyd, who had faithfully performed their duties. Early in his term, he had proceedings commenced and prosecuted to secure \$236,000 of the state's money deposited in the insolvent Capital National Bank by the state treasurer of the preceding term. The treasurer and nearly all of the sureties on his official bond were republicans and had helped to elect him. The governor was advised that, regardless of good or bad faith, or of negligence in making the deposit, the parties to the bond were liable for the loss.

Suit was brought against them and rigidly prosecuted to the end of his term, its responsible management and conduct, as attorney, being given to a member of the opposing political party, that there might be no suspicion, even, that political favoritism or affiliation might weaken its prosecution.

Whatever may have been the cause of final failure to recover judgment for the lost money, it is enough that it was not due, in any degree, to want of interest or of energy in pursuing the remedy on the part of either Gov.

ernor Crounse or his successor.

It may be added that the case was exceptional, as being the first one in the supreme court brought for the recovery of money only and tried by a jury.

Early in his term, Governor Crounse determined not to seek or accept a second nomination, which undoubtedly would have been tendered him, and at its expiration in January, 1895, with the one exception which follows, his public career was closed.

There remained another opportunity for public usefulness, which came to him after a few years retirement. In the legislature of 1901, two United States senators were to be chosen, one for the vacancy caused by the death of Monroe L. Hayward, and one for the full term to commence in March, 1901. Governor Crounse was nominated by the Republicans and elected as state senator from the tenth district, composed of Dodge and Washington counties—an example which should be more often followed, of calling into the legislative councils of the state the tried wisdom and experience of an eminent citizen who would thus honor his constituents regardless of political favor or political expediency. Again, his attitude as the opposer of extravagance, and the multiplying of avenues for the expenditure of public moneys, his wise counsel, and his conservatism in legislation, vindicated the choice of his constituents.

Governor Crounse was a candidate for one of the senatorships. The incidents of the memorable and protracted senatorial canvass of that session need not be rehearsed. It is enough that, as the long struggle drew toward a conclusion, he was steadily gaining in strength, and his nomination by the caucus of the dominant party was imminent, when a sudden combination of rival interests, not unusual under similar circumstances, de-



feated him. That he should have keenly felt this failure of an honorable ambition would have been pardonable and may have been true. Its attainment would have fitly terminated a distinguished public life. But he accepted the result with the philosophy which befits the optimist and the courage of the true man in the disappointments of life.

His career had been a notable one. Twenty-one of the thirty-eight years which he had then lived in Nebraska had been passed in the public service. The range of this service included the three departments of the government—legislative, judicial, and executive, under both the territorial and state organizations and in the judicial and executive departments of the federal government.

And what had this career been in its character and fruition? It had not abounded in great crucial achievements, which decide the fate of a nation or a state; and the opportunity for this falls to but few and its accomplishment to fewer still; but it had been a career of uniform excellence and faithfulness. It had been guided by sincere devotion to public duty in all places of public trust confided to him; it had been tried and approved, over and again, by the people he had served; and by that further test which an honest man applies to his public conduct, and his private life, the test of conscience, condemning himself if he finds them faulty, but if he finds them right stands by them, let the public judge them as they may.

We cannot rightly measure the credit due to a public servant without considering the period and environment in which the service has been rendered. In these years and in this land we do not judge it by the standard of an age when an unlettered people were kept in ignorance of what their rulers were doing or leaving undone;

of an age when the press was muzzled or censored; of an age when criticism of public men or public measures was at the hazard of imprisonment or exile; when imagining the death of a king meant the scaffold; of an age when the public revenues were squandered in licentious orgies, without a pretense of concealment; when public courtiers and royal courtezans dictated preferment and policies; when judges took bribes and the illustrious Bacon, in his confession, could plead in extenuation only that, while he took bribes, he decided the causes rightly. We are dealing with a time and a land in which the public official moves with the calcium light of intelligence, education, and severe scrutiny ever upon him; in which a free and fearless press halts not and spares not in searching out and blazoning near and far every fault and every mistake which vigilance can detect in the conduct of public affairs; and when partisan interest is alert and stimulated to detect and expose malfeasance and misfeasance in public trust. That the whole official life of Lorenzo Crounse, judged by this severe standard, was an upright, creditable and successful one, was a result to satisfy the purpose and the reasonable ambition with which he had entered upon it.

The connection of Governor Crounse with this Society and its affairs should be further noticed. He was one of its founders and organizers; a member of the committee to draft and secure the passage of the bill recognizing the Society as a state institution. That bill was passed by the legislature in the session of 1883, and under the first constitution of the Society he was a member of its board of directors for six years. He became its first vice president in 1887, serving as such until 1891, when he was chosen its second vice president, and he was

reelected in 1893.

That he kept the interests of the Society in mind to the last is shown by his directing a gift of five hundred dollars to be made to it out of the means he should leave; the first donation of that character it had ever received. At the annual meeting of the Society one year ago, but a few months before his death, he was nominated as president, and would have been chosen, but for generously insisting upon the reelection of its then president, George L. Miller, that preëminent pioneer and unfaltering friend of Nebraska, who in yonder infirmary awaits the restoration of a brilliant mind in eclipse, or the deliverance which comes at the appointed time to us all.

As a pioneer, he had taken the proper part which fell to him, joining with others, of all callings and pursuits, in the sublime work of transforming a prairie wilderness into an American commonwealth.

And why had those pioneers left their old homes and come from the attractions, the elegancies, the order, the stability of old communities to take the hardships and hazards of new ones; to explore new lands and build up new institutions; to occupy new territory, new theaters for their energies and hopes? This is a problem coeval with history. May we not find its solution in the divine law, which implants in man the impulses, the instincts, the passions and the desires which compel him to fulfil the purposes of his creation?

To man was given the commission to replenish and subdue the earth, and to man was given the impulses which impel him to accomplish it, to occupy new fields, new lands, new theaters for his energies and his hopes.

Man's ambition and his aspirations for improved fortunes have been the lever and the moving power which have lifted him from the low plane and degradation of



the past towards the high plane which he is taught and hopes is to be the destiny of his race. It is this spirit and this ambition which for two hundred years has inspired and moved the great army of American pioneers to fell the forests, and build the cities, and plow the prairies between the Atlantic and Pacific to make this American republic the best and happiest land on which the sun shines.

With the expiration of his term as state senator, Governor Crounse withdrew finally from public service. In 1860 he was married to Miss Mary E. Griffiths, who died at Fort Calhoun in 1882, one son and two daughters of the marriage still surviving.

With mind and faculties unimpaired, in the maturity of a useful and successful life, with the esteem and praise of friends, and in the true dignity of private citizenship, he turned to the studies, the travels and the pure pleasures which had been the pursuit of his earlier years and of the intervals in his official career. For social display or social extravagance he had neither the taste nor the leisure. He resumed the simple, unostentatious private life which had always been his habit and his choice. As wealth is counted in the commercial tables of these times, he had never been wealthy; but the moderate income from his earnings and judicious investments sufficed for the simple life he preferred to lead and for the higher and nobler aims to which his remaining years would be devoted.

In the hard battle of life he had won what was best worth the winning. He had lived in the best period of all the ages, when the average of human comfort and man's enlightenment was higher and charity, benevolence, and philanthropy were greater than ever before; when religion was searching out the remotest lands and

peace, throughout the world, was invading the red field of war. Finally, in the serene autumn of his years, he heard the summons which must be obeyed. After a few weeks of illness, he died at his home in Omaha; and at Fort Calhoun he was buried beside the wife of his youth, leaving to his children the heritage of an honorable life and an unsullied name.

THE PRESIDENT. I am sorry to announce that we will not have the pleasure of listening to an address from General Charles F. Manderson. A telegram from him to-day states that he has met with an accident which makes it impossible for him to come.

The meeting adjourned until Tuesday morning January 18, at ten o'clock.

#### MORNING SESSION, JANUARY 18.

The meeting was called to order at ten o'clock by Robert Harvey, vice president. The following paper by William M. DeCoursey French was read by title and filed for publication.

#### NEBRASKA REMINISCENCES.

I was a pioneer in Nebraska. My first work was in the first state legislature as one of the assistant enrolling clerks. My writings are in the records of the first state archives. I am the founder of the first state institute for the deaf at Omaha, in the first year of the state. Edward Rosewater and myself were rivals for the hand of the same young lady, whom he afterwards married.

Long before the great civil war, Abraham Lincoln and a companion happened to travel across Iowa, to see the country. They came to the town of Council Bluffs and were entertained by the Dodge family in their young

days. Lincoln had a glimpse of the village of Omaha far away across the Missouri River. Years afterwards Lincoln was elected president. Members of the Dodge family had become influential, and one or two had become famous in the civil war.

When congress granted a company composed of Ames, Dillon and other millionaires a concession to build a railroad across the continent, there sprung up rivals for the location of the road, such as Bellevue, Omaha, Florence, and others farther south. The Dodge family, with others, used their influence with President Lincoln to have it located at Omaha or Council Bluffs; so he issued a proclamation locating it at Omaha. The rivals submitted gracefully, but Kansas City fussed and fussed until a concession was granted her to build a branch road west to Denver, thence north to a connection with the main line, which happened to be at Cheyenne, Wyoming.

Material for the road was brought up from St. Louis and other places on boats. Shops and a depot were built down on the flat near the river, a grade was cut up the hill, and the road was built down into Sarpy county nearly due west from Bellevue, and up a valley to the village of Fremont, thence west along the Platte River.

A road was made up the hill to connect with Farnam street in Omaha. Just on top of this hill was built the great International Hotel, four stories high and the largest building in the town. Omaha was in her glory, booming and hustling, business men and other sharks from the east were rushing out there to grab up property for selfish purposes and otherwise. Other companies were hurrying to build their roads westward to connect with the Union Pacific road at Omaha. The first one was from Hannibal, Missouri, to St. Joseph, and the Kansas City,



St. Joseph & Council Bluffs road<sup>1</sup>. This road had a small frame depot in the southern part of the town about four miles from the river. Passengers to and from Omaha had to ride in buses or hacks as the only conveyance.

In looking across the river from Omaha, we could see a white and black streak, at the foot of the bluffs over four miles away, which was the town of Council Bluffs. Soon afterwards the other roads built their tracks right to the bank of the river for better convenience of passengers who came and went over on the ferry boat.

Omaha did not extend more than a mile west from the top of the hill, nor more than half a mile across from north to south. Farnam was the principal business street, with some two story buildings, Douglas street was the next, with a few business houses. None were very large and none were over two stories high. There were some shanties and large sheds used for business purposes. The rush and greed was so rapid that they had no time to put up proper buildings. For instance, where the fine post office is now located, there was a large shed and shanty used for a meat shop and for sale of hides, tallow, lime, cement, etc. North of Cass street was a rolling prairie extending out to the cemetery, three miles away on the military road. It had been used for corn fields before, close up to town. There were only a few small houses, shanties and sheds scattered around.

About four miles a little northeast was located Fort Omaha or Omaha Barracks<sup>2</sup>, where some soldiers were

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<sup>1</sup> The Chicago & Northwestern railroad was opened to Council Bluffs in April, 1867. The railroad from St. Joseph to Council Bluffs was not opened until August, 1868.—ED.

<sup>2</sup> Omaha Barracks was established December 5, 1868; the name of the post was changed to Fort Omaha in 1878; and troops were finally withdrawn from it September 16, 1896.—ED.

stationed. A broad road extended from the town to the barracks, along which there were one or two small houses, but the balance of the country was a large prairie.

South of Howard street and St. Mary's Avenue there were a few small houses, but the balance of the country was in timber groves and hazelnut bushes. Along St. Mary's avenue, about three miles southwest, was located the Douglas county poor farm. On this avenue, about half way up the hill, was located the large Sisters' convent, and just south of it was the first school for the deaf.

Omaha had no parks, no public libraries, no street railroads nor telephone lines at the time. It was easy to walk from any part of the town. Afterwards the Cozzens House<sup>3</sup> was built, and that and the International were the leading hotels of the town, as there were no others except some small boarding houses.

Down in the flats the river sometimes did great havoc by overflowing the bank, which made things lively in the shops. The freshets did great damage to railroad property and other things down there. The workmen had to lie off several days at a time until the river subsided sufficiently to work.

When I first came to Omaha, in 1869, I passed along on solid ground on the Kansas City, St. Joseph & Council Bluffs road, but now part of the track lies at the bottom of Lake Manawa, over in Iowa. The road now has to go around on the east side of the lake.

The wording of President Lincoln's proclamation

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<sup>3</sup> "Cozzens Hotel"; named after the first landlord, a resident of West Point, N. Y. He paid an annual rental of \$10,000. (George Francis Train, *My Life in Many States and in Foreign Lands*, page 296.)—Ed.

locating the Union Pacific railway was misunderstood as to the actual terminus of the road, whether it was in Omaha or over in Council Bluffs. There was a great deal of discussion about it, and finally it had to be brought out in the courts. General Dodge led the fight for his town, and so Council Bluffs won, but the Union station was built about half way between both towns. The Union Pacific bridge had to be built to enable their trains to cross over the river.

The citizens of Omaha had a hard time calling themselves Omahas or Omahites, but some one nicknamed them "Omahogs."

In the spring of 1866, while I was a teacher in the Indiana school for the deaf, I corresponded with the last territorial governor of Nebraska, the late Alvin Saunders, in regard to a school for deaf children in Nebraska, before any effort whatever was made to establish such a school. He gave me a favorable answer, saying he would submit the matter to the legislature that met in 1867. But nothing was done apparently for it.

In the fall and winter of 1868, I was employed as a clerk in a large abstracter's office in St. Louis, Missouri. Near the end of this year Mr. W. Bently, an insurance agent from Omaha, Nebraska, attended the insurance agents' meeting, or convention, in St. Louis. I called on him and got him interested in the matter I had in view. After this consultation he invited me to call on him while in Omaha.

In February, 1869, I went to Omaha without knowing what had transpired in the territorial or state governments, or what had been done for the establishment of such a school. From St. Joseph, Missouri, I went on the only railroad that ran up to Council Bluffs. I crossed the Missouri river in a large sleigh drawn by four horses



over the ice. On my arrival in Omaha, I found that the territory of Nebraska had been admitted into the Union as a state, that all the officers had been changed, and that the capital had been located at the village of Lincoln. I saw the old territorial capitol on Capitol Hill, where the Omaha high school now stands. I saw the old capitol torn down and the high school built. I made my headquarters at a large boarding house on the corner of Howard and Tenth streets. I called on Mr. Bently, in his office, upstairs, at the corner of Farnam and Thirteenth streets, over the old post office. He gave me advice how to go to Lincoln and accompanied me down to the small Union Pacific depot on the flats near the river. I went out to Elkhorn station, where, with others, I took an old-fashioned stagecoach for Lincoln. We crossed the Platte River at the village of Ashland, partly on ice and partly on a flat ferry boat. We arrived in Lincoln after 7 o'clock and stopped at the best hotel, which stood where the *State Journal* building is now located. In a few days I secured employment as one of the assistant enrolling clerks in the legislature, through the influence of Mr. A. B. Fuller<sup>4</sup> of Ashland, who had been in the territorial legislature. My writings are on record in the first state archives. I also worked in the interest of the school among the members of the third state legislature. I found a bill in the statutes already passed by the territorial legislature establishing such a school at Omaha under a corporate body, but without any financial aid. I went to work to secure this aid and succeeded, and so the Nebraska school for the deaf was established. David But-

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<sup>4</sup> Abel B. Fuller, of Cass county, who was a member of the House of Representatives of the twelfth and last legislative assembly (territorial) and of the House of Representatives of the second state legislature.—Ed.

ler was the first state governor. He was a large man, with ruffled features, but had a kind heart. He spoke for me and the education of the unfortunate children. It was partly through his influence that I secured financial aid for the school.

I showed letters of introduction and recommendation from the late Oliver P. Morton, the great war governor of Indiana (a personal friend), Hon. W. H. Talbot, president of the board of trustees of the Indiana school for the deaf, and others, all of which were satisfactory.

After the legislature adjourned, I returned to Omaha by way of Nebraska City. I called on Mr. Bently and reported my success, but I was in a dilemma as to who would call the corporate body together. In a few days the state auditor, John Gillespie, came to Omaha, and we met in Bently's office. After a short conversation, he took upon himself the responsibility of calling the board to meet in Bently's office about the fifteenth of March, 1869, and they met according to call. The corporate board were General John S. Bowen, of Blair; Eliphus H. Rogers, Fremont; Dr. Aurelius Bowen, Nebraska City; Dr. Gilbert C. Monell, Omaha City; Dr. Abel L. Child, Plattsmouth; Dr. John McPherson, Brownville; Pro-

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<sup>5</sup> By an act approved February 7, 1867, the last territorial legislative assembly incorporated these men, excepting French, as "a body politic and corporate, with perpetual existence, by the name of the Institute for the Deaf and Dumb . . ." An act of the state legislature, approved February 15, 1869, appropriated \$600 for "board and clothing for deaf and dumb for 1869 and 1870," and \$6,000 toward the general support of the institution for the biennium. (Laws . . . Passed at the Fifth Session of the Legislative Assembly of the State of Nebraska, page 142.) But an act of the territorial assembly, passed February 12, 1866, had provided liberally for the maintenance of deaf mutes and blind children at the asylums or schools of Iowa or any other state established for the education of these classes. (Revised

fessor W. M. French, *ex officio*, Omaha City.<sup>5</sup> They organized by electing John S. Bowen president, Joseph H. Millard treasurer, Rev. Henry W. Kuhns secretary. I was elected the first principal of the school. By a provision of the statute, the principal was *ex officio* a member of the board of directors. After the board adjourned the executive committee (consisting

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Statutes of the Territory of Nebraska, page 374.) Neither the act of 1867 nor the adoption of the constitution appears to have nullified this act. William A. Pollock, not Taylor, was speaker of the first House of Representatives, and William McLennan of the House in the legislature of 1869, which made the first appropriation for the support of the Institute for the Deaf and Dumb.

Governor Saunders made no recommendation on this subject to the territorial assembly; but Governor Butler's proclamation calling the second state legislature to meet in the third session, May 16, 1867, specified "The education and care of deaf mutes" among the subjects for proposed legislation, and in his message to that session he recommended "that a sufficient appropriation be made for the foundation and support of a school for these children, provision being made for the gratuitous instruction of such as are of indigent parentage." An appropriation of \$600 was made at this session for "supporting deaf and dumb, 1867 and 1868." The legislature of 1871 appropriated \$15,000 for the construction of a building for the Institute, \$12,000 for maintenance of the institution for the biennium, and \$3,200 for furniture and other equipment. (Laws...of the State of Nebraska..., 1871, pp. 94, 143.) The legislature of 1875 repealed the original corporate act and passed an act "for the government of the institute for the deaf and dumb"; and by authority of that act the legislature, in joint convention, elected a board of six trustees. Soon afterward the constitution of 1875 placed the control of the institution in the board of public lands and buildings, thus doing away with the board of directors. The officers constituting that board were first chosen at the general election of 1876 and assumed office in January, 1877.

An act of the legislature of 1897 authorized the governor to appoint three trustees "for the government and management of the Institute for the Deaf and Dumb at Omaha, and the Institute for the Blind at Nebraska City." By an amendment of the constitution, adopted in 1912, which established a "Board of Commissioners of State Institutions," the "Institute for the Deaf" came under its exclusive management.

The juggling with the name of this institution illustrates the penchant of law-makers for inaccuracy. The act of 1875 providing for



of Dr. Monell and Mr. Kuhns) and myself met at Mr. Kuhn's house and made arrangements to rent and furnish a suitable building, situated on St. Mary's avenue, on ground belonging to Mr. M. W. E. Purchase. The school opened on the first day of April, 1869. The first pupil admitted in the school was Miss Kate Callahan, of Omaha. Among other pupils admitted were the two deaf children of Thomas J. Collins, of Falls City.

the government of the institution called it by its correct corporate name. A merely incidental act of the same legislature referred to the institution as the "Nebraska state institute for the deaf and dumb..." The legislature of 1897 passed "an act defining the purpose and providing for the government and maintenance of the Institute for the Deaf and Dumb," thus again formally recognizing the correct original name; and the appropriations for the institution up to 1909, inclusive, were made in its proper name; yet an act of the legislature of 1909 provides "That in order to be better known and more fully recognized as strictly an educational institution, the name of the State school now known as the Nebraska Institute for the Deaf and Dumb be changed to the Nebraska School for the Deaf." The constitutional amendment which established a Board of Commissioners of State Institutions, submitted by the legislature of 1911, and adopted at the general election of 1912, designates the institution as "Institute for the Deaf"; and, apparently overlooking the name designated in the constitution, but perhaps regarding it as an incidental designation, an act of the legislature of 1915 reenacted the provision of 1909 here quoted and incorporated a change of the name of the Institute for the Blind to "Nebraska School for the Blind." The amendment of the constitution adverted to calls it by the original name, "Institute for the Blind." In his message to the legislature of 1877, Governor Garber gave a brief historical sketch of the institution in which it appears that "the new building authorized by the legislature is now approaching completion, at a cost, including heating, and other necessary fixtures, of \$14,495." The history of Omaha by Savage and Bell (p. 201) says that the first building for the Institute "was completed and ready for occupancy January 1, 1872." This history recites that "The first efforts for the establishment of this institution were those of Rev. H. W. Kuhns, then a member of the Omaha school board, to whom the parents of Kate Callahan, a little deaf mute of this city, made application to have her educated at the expense of the state . . . The subject was taken up by other citizens and the newspapers, and the act of the legislature authorizing its establishment was approved February 7, 1867 . . ." Mr. French, the first principal of the school, was himself a deaf mute.—ED.

Edward Rosewater, editor of the *Omaha Bee*, was a member of the House of Representatives of the legislature of 1871. One of our local committee was too modest and so thought that we had better ask for five thousand dollars for a school building. I told him I would ask for six thousand dollars for the support fund. None of the board was consulted about this matter and none went down to Lincoln to see about it, so I was alone. I went down, with Mr. Rosewater and others, to see the legislature organize. In February, I took a few pupils from the school to Lincoln for an exhibition in the chapel of the state university to show the legislature what the school was doing and that it was worthy of support. Governor Butler was present and spoke earnestly for our cause and the education of such children, and applauded the work just witnessed and asked the legislature to be most liberal in this work. A few days afterwards I applied for six thousand dollars for the annual support fund, and five thousand dollars for a new building. While I was in the lobby, Mr. Rosewater came to me personally and asked me why not apply for fifteen thousand dollars for a building instead of a shabby five thousand. I told him it would be better and to go ahead, if he could get it through, as it would be a credit to the state; which he did without much apparent trouble, along with the six thousand dollars annual support fund—in all twenty-seven thousand dollars for two years. The board met in April, 1871, and I made a report to them of my work with the legislature. They were surprised and pleased at the liberality of the legislature. The building appropriation was on condition that the board secured not less than ten acres of land donated free of charge to the state within three miles of the city of Omaha. Far out northwest along the military road,

such a tract was offered by James Bonner in a large wheat field. The board accepted the Bonner tract, and erected the first buildings on it.

Several years afterwards the corporate board was abolished and annulled and a board of directors was elected as follows: Nathan K. Griggs, Beatrice; Charles W. Hamilton, Omaha; Thomas J. Collins, Falls City; James E. Boyd, Omaha; C. E. Redfield, Omaha; Thompson Bissell, Ashland. The board elected Mr. Boyd secretary and Mr. Hamilton treasurer. This directorate management continued until the new constitution of Nebraska was in force when the institute came under the care of the Board of Public Lands and Buildings as per section 19, article V of the constitution. The personnel of the government under this board was Silas Garber, governor; F. M. Davis, commissioner public lands and buildings; Bruno Tzschuck, secretary of state; Joseph C. McBride, treasurer; George H. Roberts, attorney-general.

The only railroad in Nebraska at the time was the Union Pacific, running west from Omaha with a small depot and shops down on the flats near the Missouri River.

I saw several roads built to the Missouri River bank on the Iowa side opposite Omaha. At night their illuminated cars looked bright and beautiful. Passengers were ferried across from the Union Pacific depot to the other side to take trains for the east, and passengers were ferried from these trains to the Union Pacific to take cars out west. These were the Chicago & Northwestern, the Burlington, the Kansas City, St. Joseph & Council Bluffs, and the Rock Island trains. Their tracks were located north of the present Union station.



I saw the first pier put down in the Missouri River for the great Union Pacific bridge.

I saw the first Omaha & Southwestern road built down to the Platte River, thence down to Crete, now gobbled up by the Burlington company. It ran down the river around the cliffs for a long distance, past the cabin of the Indian chief Fontennelle, far up on the hillside among the trees, before reaching Bellevue. It is said that he used to swim the river with his horse over to the trading camp at Council Bluffs to get whisky and other things.

I saw the Omaha & Northern road built to Blair and Tekamah, now gobbled up by the Chicago & Northwestern company. The International Hotel [Herndon House] was a huge affair. Leading politicians and leading men stopped there. Big hacks drawn by four horses kept running from this hotel to all parts of the city and down to the river, day and night, carrying passengers. George Francis Train was often a conspicuous guest there. He owned some land on the south side of the city. The Creightons, Dillons, Ames, Allison, General Dodge and many others met there. If the silent walls of the hotel could talk, they would tell of public men, their plans, their schemes, etc., concocted in the rooms, and the big dining room could tell of notables who took meals there. This famous hotel is now transformed into Union Pacific offices.

Forbes and Bonner used to keep a large shed for a meat market, trade and sale in hides, tallow, salt, cement, etc. at the corner where the grand post office now stands in Omaha.

I saw the Burlington & Missouri River railroad in Nebraska built a few miles west from Plattsmouth. The road was cut through brush and thickets on the Iowa

side from Pacific Junction to the river, where a ferry boat took cars across. Only a few freight and box cars were ferried over. These were drawn by mules and horses for several miles out, where men were at work on the road and used them for bunks. Some time afterwards I saw the first locomotive of the Burlington road ferried across. It slowly climbed up the hill north of Plattsmouth. When it got to a safe place, it whistled long and loud for victory to conquer the great West. It was only a working locomotive. Soon the road was finished in Lincoln around the state university. From this beginning what great strides the road has made in the great West!

Henry M. Stanley was a poor orphan boy in New Orleans, where he was a newspaper carrier. When he grew to manhood he became a newspaper correspondent, and, in pursuit of his vocation, came to Omaha, where the trouble and fight happened. He was sent out by the *New York Herald* as European war correspondent. Afterward, Mr. Bennett, editor of the *Herald*, sent him to Africa to find Dr. David Livingston, the great explorer. So this great and honored Stanley was connected with a small affair in Omaha long before he finally achieved his laurels.

This James Bonner is the same man who deeded the ten acres of land to the state for the site of the Institute for the Deaf and Dumb. He did not donate the site. Others, including Kountze brothers, reimbursed him with money and a tract of land in Illinois. I knew him, personally, as he went out with me and the board of directors to view the land he offered. Dr. Monell and Mr. Kuhns, the local committee of our board, owned tracts of land east and west of this Bonner tract; so they induced the board to locate the institute there for the bene-

fit of their own tracts—so prices would go up on account of the location of the state institution.

I witnessed the trial, under impeachment, of Governor David Butler for misusing the public school funds. He was born and raised near Bloomington, my old home in Indiana, site of the state university. I believe he passed through this college and studied law, before he came to Nebraska.

Lincoln, at that time, was a small village, without any large houses, or any large business buildings. The state house was far out in the edge of the town. It was a large square building two stories high built of rough stone, without a cupola or rotunda on top or porches. Upstairs the Senate met on one side and the House of Representatives met on the other side. It did not have any proper committee rooms or rooms for the clerks. Downstairs were four large rooms for the other state officers. All was very plainly furnished inside. The first state assembly seemed to be full of life, enthusiasm, jollity and earnest in their work.

The town of Lincoln did not extend more than half a mile through from one side to the other. It had no railroads, no depots, no public buildings except the state house. Old fashioned stages and wagons were used for conveyances. When the first state assembly adjourned the members had to go in stages and common farm wagons to the Union Pacific road on the north, and to Nebraska City on the east. I went with some of them east, and our stage broke down half way in the rain and mud, so we all had to stop at a farmhouse for the night. It was funny to see about twelve or more of the august members of the legislature with myself huddled all around on the kitchen floor while the man and family climbed up a ladder to the loft. We had a fine breakfast



and paid the man well for our entertainment. Soon another stage came along and we all went on our way rejoicing. All the surrounding country around Lincoln was a vast prairie with here and there small farm houses far apart. Far out west on Salt Creek were some plain sheds where they were evaporating salt, but all else was prairie without any buildings in sight. Lincoln was simply a small village with about five hundred inhabitants. Our hotel seemed to be the largest building with good accommodations. It was afterwards burnt down, and on its site and ashes rose the *State Journal* office. It had no salt well, as it has now, and there were a few stores along one or two of the streets and their goods and groceries had to be transported in carts and wagons from Nebraska City and Omaha. But now you see how the city has grown up from this small beginning with plenty of railroad communication.

I went along the Union Pacific road to North Platte, and all along the way I saw sheds and shanties used as stations and residences. All seemed to be so shabby and dirty with seeming dirty men and women going about in their working clothes; but behind them were brains and muscle in the leaders who helped to make the state what it is today. I saw some people living in dugouts, and their poor horses and a few cattle huddled in poor sheds of poles covered with wild hay and grass; but now some of them, or their children, have fine farms, fine houses, fine horses, fine cattle and are rich, taxpayers.

I did not see the Indian chief Fontennelle myself, but I saw his cabin far up on the bluffs among the trees, where he used to live, several miles north of Bellevue. I believe you have his history. He used to wield some influence among the Indians, including the Omaha and some others on both sides of the river, and he was a

great rival to the Sioux chiefs in northern Iowa and the Dakotas.

A letter from Mr. David Anderson expressed regret that he was unable to be present and the paper which he had prepared on Early Settlement of the Platte Valley was read by Mrs. Minnie P. Knotts.<sup>1</sup>

Mr. Bassett then related the following incident of a wedding journey across the Platte river in 1869:

Mr. Samuel Stearly, a resident of Buffalo county in 1869, furnishes the following interesting account of the fording of the Platte River by a wedding party.

In the summer of 1869, John Martin and Miss Craig, who lived on the Blue River, southeast of Grand Island, wanted to get married, and in order to do so had to come to the Fort Kearny crossing of the Platte river and then go east to Wood River Center, where Judge Patrick Walsh, who had authority to perform the marriage ceremony, resided. The distance to travel was about seventy-five miles, and the Platte river was very high at that time. Charles Walker, who lived at Fort Kearny station, now Buda, had the contract to freight all government supplies for Fort Kearny across the river, and at this time he was hauling material to fence the government graveyard near the fort. The wedding party arranged with Mr. Walker to take them across the Platte, and at about four o'clock in the evening John Martin, his intended wife, her mother, Mrs. Craig, and an eighteen months old child belonging to Mrs. Craig, came to the river to cross. It was our last trip for that day. I was with the freight outfit, and my business was to keep the oxen on the lead of the team from swinging around the

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<sup>1</sup> Mr. Anderson's paper is printed in Collections of the Nebraska State Historical Society, volume XVI, page 193.

islands, or towheads as we called them. The water was warm, and I enjoyed the fun and excitement of fording. In order to bring Martin and his party across, it was necessary to put on a wagon box and crib up the box with fence pickets to set their trunk and a roll of blankets on, so they would not get wet. The party also had with them two prairie dogs, in a box, also a box of medicine; and these two boxes were put in my charge. There were ten yoke of oxen hitched to the wagon and two horseback riders, one on each side of the ox teams. The wedding party was all set, the bull whip cracked and the procession started. I was sitting on the side of the wagon box, with my feet inside, and holding the prairie dogs and medicine boxes in my lap. We went nicely for a fourth of a mile, till we came to the deep channel; then the water went over the wagon box. Our load being light and the current so strong, it turned wagon, box and all upside down and the passengers all into the water. When I came up, I saw Martin catch his girl and pull for a wagon wheel; next I saw Mrs. Craig come up with her child in her arms and the mother struggling for dear life. It fell to me to save her, and I held her until Martin could come and get her. The other two men were too busy taking care of the oxen to hold them. The trunk and blankets went down the river and one of the bullwhackers and myself were detailed to go after them. I want to tell you there was lively work for a while. When we got back with the trunk and blankets to the north bank of the river, the wedding party had all got ashore, and Mrs. Craig was sitting on the bank enjoying a good smoke out of a borrowed pipe. She thanked me very kindly for saving her, as she was going under the second time when I caught her. This delayed the wedding, as everything in the trunk and blankets got wet; and as the old lady's



tobacco was wrapped up in the wedding dress, the dress was so stained it could not be used. Stores were not plenty in those days, and the party had to go to Grand Island, twenty-five miles east of Wood River Center, to buy another dress and make it. Some days later Patrick Walsh, justice of the peace, married the happy couple, and they went on their way rejoicing. About three or four years after, I met Mrs. Craig in Grand Island. She called her little boy in off the street and introduced him to me and then told her son that I was the young man who had saved his and her life. She then said the only way she could pay me was to give me her last daughter, then about my age and a very beautiful girl.

CHAIRMAN HARVEY. I understand that Mr. John K. Sheen, who has prepared a paper, is now present and we will hear from Mr. Sheen if he will come forward. His paper is "The Rural Carrier of 1849."

MR. SHEEN. I am much interested in this subject of carrying the mail, having served the government for a number of years. I wish to state before taking up my paper that I saw a record of the pioneers crossing the state of Nebraska, in Wyoming a number of years ago, and was attracted by a statement of the writer that when he got to a place he called Beaver Valley, which I presume was somewhere near Grand Island, he began to see buffaloes. One day he said he counted 10,000, and another day he counted 100,000; so you see this must have been a delightful country out here, and there must have been acres and acres of grass for those cattle to feed upon. As this traveler went further along he found the grass burned off by Indians, which probably accounts for the number of herds moving to the southeast.

With reference to the title of my paper I might re-

mark that in 1849 there was nothing much metropolitan about Nebraska. Consequently it was rural, especially in the early part of the season. Later on it became quite cosmopolitan.

It is impossible to give the history of any western state without touching upon the history of that peculiar sect that is best known as Mormons.

In the later twenties of the nineteenth century, the forces were moving that were to leave a beaten trail behind from the state of New York to the Golden Gate. To give you the biography of our rural carrier it is necessary for me to take you back to the Berkshire Hills of Massachusetts, where he was born in 1813, and follow him to the templed hills of Kirtland, Ohio, where in 1831 the advance forces of the saints gathered him into their ranks; and a little later he goes along with them up to Missouri to redeem Zion. In 1843 he is at the "stake" of Zion, called Nauvoo, and beholds another temple dazzling with its whiteness the Father of Waters swiftly flowing by. Troubles arise for the saints on every hand. Their neighbors and discontented brethren are in arms against them, and the tragedy of Carthage is about to be enacted when our rural carrier, with a few others good and true, bid the last adieu. Then it was two brothers were laid as the poetess has sung,

"Down, down to sleep, left side by side,  
Close where the mighty waters glide."

And then came the "exodus," and the Moses man, forgetting to smite the waters with his staff, sought out ferry boats and landed his advance battalions at Sugar Creek, Iowa, to be fed upon winged manna, in the form of quails. Then came Old Zero and cast a highway over the deep rushing river, and hundreds of others crossed over to join their brethren encamped in Iowa. Your nar-

rator, then a babe, crossed over in our rural carrier's carriage, headed for Booneville, Missouri. The rural carrier returned later as a commissioner to dispose of the property that had not been disposed of by the refugees in Nauvoo. In the early spring and summer of 1846, the Mormon Moses, with his battalions, crossed Iowa and went into winter quarters in Pottawattamie county and at Florence, Nebraska, while small parties advanced and made camps north of the Platte as far as the Grand Island. Early in April, 1847, 143 pioneers crossed the states of Nebraska and Wyoming and entered the valley of the Great Salt Lake. The trail had been beaten over which, for several years following, thousands were to come singing in chorus

"To California's land we'll go,  
Where from the mountains wine doth flow,  
A land of peace and liberty,  
To California go with me."

Caesar, Napoleon and Grant planned great campaigns, but none in greatness and grandeur like that an all-wise providence had laid out for the conquest of the West. The Mormon movement, the conquest of New Mexico by General Kearny, the conquest of Upper California by Fremont and Stockton and the discovery of gold unveil a well planned campaign far greater in results than any campaign planned by the gods of war I have mentioned. Upper California declared itself an independent state, and sought admission into the Union, and that portion of Mexico now known as Utah resolved itself into a state and from the salt vale and the banks of the western Jordan an anthem arose,

"Hail our infant growing state!  
Refuge for the good and great—  
Noblest honors await thee  
State of Deseret."



Our rural carrier had been to Washington and had a post office established at Kaneshville, later Council Bluffs, Iowa, and had secured the contract for carrying the mail from that place to Salt Lake City six times a year. He is at that place in the spring of 1849 and is commissioned delegate to Congress for the purpose of urging the admission of Deseret as a state in the Union. His mission is defeated by the Congress, and a territory is made of Utah and Dr. Bernheisel is made delegate of that territory. Almon Whiting Babbitt later establishes the *Council Bluffs Bugle*, and is said to have crossed the plains twenty-nine times. Joe Johnson, who edited the *Omaha Arrow*, was Almon Babbitt's brother-in-law, and Mr. Babbitt was a brother of the writer's mother. In 1856 his duties as secretary of Utah called him to Washington, and, while returning to Utah, on September 6 of that year he was attacked, it is said by twelve Indians, near Ash Creek (sometimes called Ash Hollow) and while making a gallant fight for his life was struck from behind and killed. Most men are allotted six feet of earth in the end, but the maws of wolves was his burial place.<sup>1</sup>

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<sup>1</sup> Thomas Twiss, agent of the Upper Platte Indian Agency, says, in an official report, that a party of thirteen Cheyenne Indians attacked Babbitt and two companions near O'Fallon's Bluff, killing all of them. O'Fallon's Bluff is situated on the south side of the South Platte River, about one mile west of O'Fallon's station, on the Union Pacific railroad, which is sixteen miles west of the city of North Platte. In 1856 the bluff was close to the river, and the Oregon trail ran over it. Babbitt established the *Bugle* in 1850, and Joseph E. Johnson bought it from him in 1852.

The first contract for mail service authorized by the post office department, from the Missouri River, or any point east of the Rocky Mountains, to Salt Lake City, was based on the contract made with Samuel H. Woodson in 1850, and he followed the Oregon and California road from Independence, Missouri. The first route north of this

This ended the regular program and the session was concluded with a business meeting of the Nebraska Territorial Pioneers association.

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was established by an act of Congress March 3, 1851, "From Bloomfield, Davis county, via . . . Page and Fremont counties to Fort Kearney." The first service on the Council Bluffs and Omaha route was established by act of Congress, August 31, 1852, "From Council Bluffs, on the Missouri River, to Fort Laramie." (United States Statutes at Large, volume X, page 136.) The name Council Bluffs then applied to the post office at the Council Bluffs sub-agency, on the Iowa side of the river, nearly opposite Bellevue. This name was not applied to the place now called by it until the tenth of December of the same year, when it superseded "Kane," not Kanesville. At the same time, the post office at the sub-agency became Traders Point. The first mail service from Council Bluffs to Salt Lake City was established by an act of Congress August 3, 1854—"From Salt Lake City, by Fort Laramie, to Council Bluffs, in Iowa." (Ibid., page 546.) The Woodson contract, which was in force from 1850 to 1854, called for a monthly service. Available records fail to disclose any service at all from Council Bluffs to Salt Lake City until 1854.

In the year 1849 the Mormons of the territory which was within the sphere of influence of Salt Lake City undertook to form a government called the State of Deseret, and in a memorial to Congress they asked for its admission into the Union; or, as an alternative, that the petitioners should be granted "such other form of government" as the "wisdom and magnanimity" of Congress "may award to the people of Deseret." Anticipating that the government would be of the usual territorial form, on the fifth of July Almon W. Babbitt was elected a delegate to Congress at a joint session of the Senate and House of Representatives of the proposed state, and the memorial asked that he be admitted to a seat. After a long controversy, on the eighteenth of September, 1850, the House of Representatives refused to admit Babbitt. In the meantime, September 9, Congress had established a territorial government for the territory of Utah, and John M. Bernheisel was elected delegate August 4, 1851, and took his seat at the opening of the first session of the thirty-second Congress, which began December 1, 1851. (Cong. Globe, first session thirty-second Congress, page 353.) The House of Representatives allowed Babbitt five dollars per diem from the opening of the session until the day that his claim to a seat was denied, and \$2,000 mileage. There was strong opposition to this allowance; but appropriations of public money in this way are commonly prodigal and often profligate. (Con. Globe, first session thirty-first Congress, page 1949; United States Statutes at large, volume IX, page 468.)—Ed.

## AFTERNOON SESSION.

This session, held at half past two o'clock, January 18, was a special meeting of the Mississippi Valley Historical Association and the Nebraska State Historical Society. Owing to the absence of President Benjamin F. Shambaugh, Mr. Robert Harvey was elected temporary chairman. Three addresses were presented at this session: In Kiowa Camps, by Mr. James Mooney, of the Bureau of American Ethnology; Kansas-Nebraska Boundary Line, by George W. Martin, secretary of the Kansas State Historical Society; and Some Side Lights on the Character of Sitting Bull, by Doane Robinson, Pierre, South Dakota, read by Mr. William E. Hannan.<sup>1</sup>

At four o'clock an informal reception was tendered to Eugene F. Ware, James Mooney and others.

## EVENING SESSION.

The evening session was held at seven-forty-five P. M. Mr. Edgar R. Harlan, curator of the Historical Department of Iowa, who was to have discussed The Relation of State and Local Historical Societies, was unable to be present. The next number on the program, an address by General John C. Cowin, of Omaha, was omitted for the same reason. An address, The Indian Ghost Dance, by James Mooney of the Bureau of American Ethnology, occupied the entire session.<sup>2</sup>

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<sup>1</sup> Mr. Mooney's address is printed in the Proceedings of the Mississippi Valley Historical Association, volume III, page 43; Mr. Martin's in Collections of the Nebraska State Historical Society, volume XVI, page 115; and Mr. Robinson's in the same volume, page 187.—Ed.

<sup>2</sup>This address is printed in Collections of the Nebraska State Historical Society, volume XVI, page 168.



## 202 NEBRASKA STATE HISTORICAL SOCIETY

MORNING SESSION, JANUARY 19.

An ethnological conference was held at half past nine, Elmer E. Blackman, presiding.

MR. BLACKMAN. I am gratified this morning to see so many present. The success of a meeting is not always determined by numbers, but by the enthusiasm. Unfortunately a number of papers for this meeting have not arrived, but we have with us some distinguished people, and we shall all be interested in hearing the discussion which will ensue and the papers from the local fields. This is the first conference of this kind ever held in Nebraska. The first paper is by Edgar R. Harlan, curator of the Historical Department of Iowa. He is not with us today on account of the illness of his wife. His paper was to be on the subject of Iowa as an archeological field.

The next is a paper on Siouan History, by Doane Robinson, secretary of the State Historical Society of South Dakota. We are very much disappointed in not having him with us at this time. But we have with us a gentleman who has been identified with this work longer than any other individual in the United States, a gentleman who has made not only a name for himself, which is a household name among ethnologists, but a gentleman who has added renown to the institution which he represents. I have the pleasure of introducing to you at this time James Mooney of the Bureau of American Ethnology, of Washington, D. C., who was to have discussed the points covered by the previous papers. As he is left without anything to discuss the field will be given to him clear.

MR. MOONEY. By reason of my voice being in such bad shape, I am not in the best talking condition to ap-

pear before the Historical Society and Pioneers Association.

There are a number of countries that come very near doing the thing that we are doing. All the civilized governments of Europe give some attention to their languages and antiquities. In most cases the antiquities relate to their own race or predecessors. In the United States that is not the case; except to a limited extent, our antiquities and aborigines are not of our own race. We have had historical societies and pioneer associations, but up to about thirty or forty years ago there had been very little scientific study of the Indian tribes, or of the period that preceded the organization of the United States.

In 1879, Major J. W. Powell came to the conclusion, from his field work in the west, that some attention should be given to the study of the native tribes. Through his effort the Bureau of American Ethnology was established as a part of the Smithsonian Institution. You all know of the Smithsonian Institution. It was founded over sixty years ago. The original bequest was about half a million dollars, given in trust to the United States to establish an institution "for the increase and diffusion of knowledge among men." It was intended to comprise all classes of knowledge, and from time to time some ethnology was included. Among the very first volumes published by the Smithsonian Institution were the Squier and Davis<sup>1</sup> monograph upon the mounds of the Mississippi valley and the great Riggs dictionary of the Sioux language.<sup>2</sup> In 1879 the Bureau of Ethnology was established and began its work by getting together

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<sup>1</sup> Ephriam George Squier and E. H. Davis, *Ancient Monuments of the Mississippi Valley* (1848).—Ed.

<sup>2</sup> *Grammar and Dictionary of the Dakota Language* (1852).—Ed.

a force of Indian experts. One of the first was Rev. James Owen Dorsey, Episcopalian missionary to the Omaha and Ponca tribes, and an authority upon their language. One of our first publications was his study of Omaha Indian language of Nebraska. Another was Dr. Albert S. Gatschet, one of the most accomplished philologists we have had in this country. Before coming to America he had established a reputation in philology by his study of Swiss place names.

The work has grown, and up to the present time we have produced about forty large volumes, chiefly the annual reports, besides a number of bulletins and miscellaneous publications, covering the whole range of American ethnology and archeology, with a great deal of history included. With one or two exceptions, every one of them is a standard of authority on its subject. It took some time for the American people, scientific bodies, and universities to find out that there was such an institution as the Bureau of Ethnology. They know it now, and for many years past we have been receiving letters weekly and sometimes daily making all sorts of inquiry relating to our Indian tribes. Among other things there has come an intelligent desire to give correct Indian names to places, towns and post offices. Railroad companies are asking for suggestions of Indian names for new stations, names from the languages of the tribes that used to occupy those sections. Historical societies are coming to us for information, and governmental departments are asking to have particular persons detailed from time to time to furnish expert ethnological information. Our work in this direction is in line with similar work being done by other countries, both on our own continent and on the continents of Europe and Asia. Russia, France, Germany and Italy are all doing ethno-



logic and archeologic work, either directly or by encouraging individual explorers. It is a work to interest every civilized government.

As to what we are doing for the state of Nebraska, that will be found chiefly in the writings of Mr. Dorsey and Miss Alice C. Fletcher. As a result of Mr. Dorsey's work there are two large volumes relating to the Omaha tribe, its organization, customs and ceremonials; and these two volumes, together with some smaller bulletins brought out in his lifetime, are standards. We cannot go back of them for any safe information. In another volume we have a full account by Miss Fletcher of one of the sacred ceremonies of the Pawnee, one of the principal tribes of Nebraska. Another one now in preparation is a monograph on the Omaha tribe, also by Miss Fletcher. Another publication is a handbook of American Indian tribes, a sort of encyclopedia covering every Indian tribe north of Mexico. We have also issued a number of ethnologic maps. I might also mention, without being egotistic, one or two things of my own which have a good deal to do with the history and customs of the tribes, the establishment of the pioneer forts, and the history of the early Indian wars in Oklahoma, Kansas, Nebraska and the Dakotas.

In going about to collect this information, after we leave our own early history, trying to find something back of what the Indians can tell us, and trying to cover sections from which the Indians have been removed, we are constantly confronted with the fact that enough of this work has not been done in earlier times. We have few centers of pioneer information because the early settlers were too much engrossed with other things to gather this information. These historical societies are the very foundation for the history structure itself. The feeling

is growing that it should be the duty and aim of these societies throughout the country to restore the aboriginal nomenclature; to find out what names were given by the Indians to the streams, the hills and other local features, and to perpetuate these names. Those who can best help us in this direction are the Indians themselves. The Bureau has the whole United States to cover, and, in fact, we cover the whole American continent. We are doing work in Alaska, British America, Mexico, and the West Indies. To do all this we only have about fifty thousand dollars and about a dozen field workers. We have here within the United States alone representatives of three or four hundred different tribes; and fully 150 different languages. You have in the state of Nebraska, or did have here, five different Indian languages which might be called native—Omaha, Pawnee, Sioux, Cheyenne and Oto. It takes a man at least ten good working years to acquire sufficient knowledge of one Indian language to handle it with any degree of accuracy; so you see how much we must depend upon local students. You still have representatives of the Omaha; and the other tribes are all still in existence, retaining their language and some knowledge of their history.

We have here such names as Omaha and Niobrara. In Kansas they have the Kaw and Arkansas. One of these days your children or grandchildren will be wanting to know what were the other Indian local names, what they meant, and why they were given, in order to put them upon the map. That work can be done best now. They best can do it who have the present knowledge of these things. My suggestions would be, as you have a good working Society here, with a state university to draw from the whole state, that you set to work as early

as you can to do these things. Map out the state, then set the young men of the university at work, each man in his own county, as well as members of the Pioneers Associations and members of the Historical Society. Cut up the country into districts. You have the Omaha here in the eastern part of the state, the Sioux on the north, the Pawnee in the center and on the south, and the Cheyenne on the west. With the appropriation that I am told you have and with the appropriation that you are going to have, get right down to business. It would be an easy matter to pick out a few good Indian informants from each tribe. Go over the country with them and get from them the Indian place names; get an interpreter to explain the meanings, and thus get at the beginning of your state history. Go down to Oklahoma—you should go down there anyway to learn how to build up a new state—and get some Indians from these former Nebraska tribes and they can tell you all you want to know. You can find men there who can tell you every Indian name in the state of Nebraska. Go to western Oklahoma and bring up one or two Cheyenne; get those who have a history and they will be able to tell you many things through an interpreter. Let them tell their own story. They can tell something of the battles they fought with your pioneers and volunteers in the early days. Get them to locate some of the battle sites that you cannot now locate. In that way draw up a historical map of Nebraska. Your archeologists, too, have a work to do. They can help you in this matter by mapping out correctly all the archeological sites. Locate every site by survey quarter section, and then, later on, set up a little monument there. Let the Pioneers Association, the Historical Society and the professors and students of the State University coöperate in the work.



Do not assume that Nebraska history began fifty or sixty years ago; it began a long time before that. Your Indians can tell you a good many things that are not on record, but which are part of local Indian history, and which the white man does not know, because he was not here and never has gone to the Indians to find out. You can still get these things from the Indians. Then there is the French history of Nebraska. About twenty-five years ago the French government published six volumes of documents relating to the colonial French history of the United States and Canada. The editor's name was Margry, and the collection is commonly called the Margry Papers. Those volumes are available in the large libraries. Search them, and you will find valuable information concerning the earliest explorers that came through this part of the country. Set a local man at work to locate the places, and put them down on the map. There is some information to be obtained through Canadian sources. The Canadian government has published a catalogue of historical documents preserved in the archives, and many of these relate to the history of Nebraska. Send a man up to Ottawa to examine these documents, just as some eastern states within the past sixty years have sent men across the water to France, England, Spain and Holland, to search out documents relating to their own colonial history, and have had them copied and published for their own use. Most of the work here outlined can still be done for Nebraska, South Dakota, North Dakota, Iowa, Kansas and Oklahoma. A great deal of it can be done for Texas. You can do it for the state of Nebraska from what I have seen of your Historical Society and Pioneers Association; and having the State University right here upon which to draw for help, now is a good time to begin the work.

Alfred Blackbird, a great-grandson of Chief Blackbird of the Omaha tribe, spoke as follows:

MR. BLACKBIRD. I did not expect to make any talk to you this morning, but when I came here a gentleman asked me to say a few words. I will tell you about the Omaha Indians. You have seen them.

We have heard of the three wise men in olden times when Christ was born. They used to get out at night and study the stars. One night they got out and looked at the stars. The star was very bright and they knew that was the night when Christ was born. We are told that King Pharaoh, of Egypt, had a dream and called all the wise men of Egypt together to interpret his dream, but none of them could understand what his dream meant. But there was a young man, the son of Jacob, whose name was Joseph, that interpreted his dream. So one time the king had a dream, and he wanted to know what it meant and they sent for Joseph. Joseph interpreted the meaning of the dream to the king. I don't believe any of us could understand and interpret the dream if we were to hear it. It is pretty hard to interpret, as you all know. The understanding of words is difficult. Maybe you have five words in the same way meaning the same. Indians have just one word, which has one meaning. If I know a word, I know its meaning.

In my church every Sunday the minister asks me to interpret for him. He selects some one to read, and after that they have an interpreter. That is one of the hardest things I ever met in my life; but I did try my best to interpret our minister's sermon. After while the minister asked me if I could take a woman's place and teach the Sunday school lesson. I took up that work every Sunday, using my own language. Now, to-day In-

dians begin to realize what Christianity means. There are a great many Indians joining the church, and they try to live right. I hope this work will progress. It may be slow, but it will be sure. The English language is pretty hard for the Indian. If I use my own language, as I said last night, I can say a good many things. I can tell you of olden times, of what I have heard in my language; but in English it is almost impossible for me to use it in explaining, so that is the reason that I will make just a short talk. These men say that the Indian will take up and write the history for himself. We have a language but we do not write history. The old people tell unwritten stories, so it is very hard taking up this work.

I want to tell another thing about Indians supposed to be under the care of the government. The government puts up schoolhouses where Indians learn trades. Last fall one of the Indian commissioners wanted a farm on the reservation so that they could teach the young men and the young women. He said if we put schools on the reservation and teach Indians how to farm and how to raise stock you will then have your own money. I got up and gave a short talk about this matter. I said if we are living in the state of Nebraska and obeying the laws of the state we ought to live according to the laws. We want to live by ourselves. One congressman came over and told us that we had to pay taxes; because twenty-five years had expired we must pay taxes. We said we did not want any farm school. We wanted to train our children in the agricultural schools; but he said to me, "You don't have any interest in the state; you don't have any interest in the agricultural school. You don't have any interest at all over the state or the United



States." So I say we cannot serve two masters and two laws. We want to serve one law.

MR. MOONEY. We know that the Indian can express his thoughts and ideas. The Omaha tribe have ideas and I think it would be very interesting to the Society if we could have a few words in the native Indian language from Mr. Upton Henderson, who is present, and to have him give the native name for Nebraska and then interpret it.

MR. HENDERSON (speaking through Mr. Blackbird, his interpreter). My friends, I wanted to see what you are doing, and I wanted to hear what you are saying; that is the reason I came here. I am glad to hear what you people are speaking about, and I am enjoying myself very much. We do not have any history like you have. Maybe we have history, but it has never been written. I suppose God made us just like all nations, just giving us the knowledge of hearing and seeing things. I suppose God gives all of you understanding and education. Education is one of the best things. God did not give the Indian education and knowledge as you have it, but only gave us the light and hardships. The Lord gives you the book of knowledge so that you can write anything going on and keep a record of it. It seems that the Lord gave it to Indians only to think and hear.

MR. BLACKMAN. I see before me a gentleman who has taken a deep interest in archeological investigation in this state, and has been especially interested in a little figure that has attracted a great deal of attention, which he found near the place where he now lives. We will all be glad to hear from Rev. Michael A. Shine, of Plattsmouth.

MR. SHINE. Anyone interested in the state of Ne-

braska and its history cannot help but be attracted by the archeological discoveries that are being made, because in that field of science we have the peculiarities of Almighty God himself. We have books written in stone, and we can read on these pages the early history of Nebraska. When we can correctly interpret these formations they will tend to make the study and reading of history the more interesting. I have therefore taken a great interest in this subject, and especially in the figure the chairman spoke of—a little image of St. John on a half-shell, having a figure in relief modeled upon it. We have been endeavoring to find out what that shell meant, where it came from, what made it, and what was the object of it. I have been trying for several years to discover the object and meaning, but so far have not been successful. However, the more I study it the more I am convinced that it is not the figure of St. John, but the figure of the Christ child. I have had it photographed, and with the aid of a magnifying glass I seem to discover in addition to the face some letters and figures on the half-shell. There are two of these; one from Platts-mouth, found in the river by some boys who were in swimming. They found the shell by a rock. It was found by a son of Mr. Fickler. He picked it up and looked at it and was going to throw it away. The other boys said, "Let us wait; let us take it home and have some fun with it." The other shell was found at Tekamah by Mr. Ed Latta, who was out making some geographical surveys and found it at the foot of a hill. Both shells are identical in every respect. If you will visit the museum of the Society you will find them there. Both seem to be made in the same mold and of the same substance. So far I have been unable to get any clue. Still, I do not despair.

It seems to be a matter of perseverance, and I believe in time the question will be solved.

AFTERNOON SESSION JANUARY 19.

The afternoon session opened at half past two with Samuel C. Bassett, vice president of the Nebraska State Historical Society, presiding.

The order of the printed program was somewhat changed. The first number, entitled History of the Nebraska State Penitentiary, was read by the author, Porter C. Johnson, who retained the manuscript for revision and did not return it to the Society.

The conference of local historical societies and old settlers associations followed Mr. Johnson's address, S. C. Bassett presiding. Ten minute reports from representatives of local organizations were called for.

Mr. A. J. Leach responded for Antelope county, Samuel C. Bassett for Buffalo, William P. Larsh for Lancaster, M. M. Warner for Burt, by letter, Thomas Chilvers for Pierce, Rev. David Marquette for the Methodist Episcopal Church Historical Society of Nebraska, Mrs. Kittie McGrew for Nemaha, and General J. H. Culver for Seward.

The chairman announced that a paper written by Rev. Richard Wake, of Palmyra, Otoe county, would be read by his brother, Mr. Charles Wake.<sup>1</sup>

Mr. Robert Harvey, of the committee on marking historic sites, read the following report.

*To the Officers and Members of the Nebraska State Historical Society:*

The work of the committee on historic sites is to

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<sup>1</sup>This paper appears in Collections of the Nebraska State Historical Society, volume XVI, page 224.



search out places in the state where historic events have occurred. When I was made chairman of this committee, I asked the board to appoint as many committeemen as might be necessary to assist in the work, and twelve were appointed. I believe, now, it would be much better to have a comitteeman appointed in every county, some one acquainted with the events of the county, who would have the time and means to look up historic facts. I have asked for reports from my committeemen, and information has been coming in slowly up to this morning.

I herewith present my annual report of the committee on historic sites. More than two hundred letters have been made to interest as many people as possible along general interest in the work of searching out and preserving locations or sites of historic importance, an effort has been made to interest as many people as possible along this line, and as one means of accomplishing this purpose a circular letter was addressed to every school superintendent in the state requesting information. A few responses have been received.

To increase the number of willing workers, authority was given me to indefinitely increase the number of assistants or committeemen. The following were appointed who have signified their willingness to coöperate in the work:

1. Samuel C. Bassett, Gibbon.
2. David Anderson, South Omaha.
3. Carson Hildreth, Franklin.
4. William Z. Taylor, Culbertson.
5. Melvin R. Gilmore, Bethany.
6. James E. North, Columbus.
7. M. P. Clary, Big Spring.
8. John S. Walin, Ceresco.
9. L. J. F. Jaeger, Chadron.
10. John F. Kees, Beatrice.
11. Harold J. Cook, Agate.
12. Robert Gilder, Omaha.

Mr. C. S. Coney, county superintendent of Stanton county, sent information regarding an old battle-ground near Stanton, and referred me to Dr. W. L. Bowman, who sent a diagram of the ground where a battle was fought between the Sioux and Omaha, and of the second position to which the Omaha retreated, where a two days fight occurred and gave a short account of the battle. The dates of these battles are not given.

Mr. H. A. Collins, county superintendent of Sarpy county, called attention to three historic buildings in Bellevue, namely: the first church erected in the territory; original missionary's residence, now used as a dwelling; the headquarters of the Indian agents, now owned by the county and rented to the village, none of which have any tablet to attract the attention of visitors.

Mr. H. C. Walker, of Douglas county, sent notice of finding the grave of a woman who died of cholera in 1850 and was buried about seven miles southeast of Bridgeport. As this grave is unquestionably the one about which I had gathered a fuller account before I had seen Mr. Walker's letter, I will refer to it farther on.

Members of the committee have sent information as follows:

Mr. David Anderson, regarding the establishment of a trading post at Bellevue by the American Fur Company.

Mr. Robert F. Gilder has sent two reports. The first, an interesting account of recent prehistoric discoveries, will be filed with the archeologist. The second report is an account of the discovery of what he believes to be the site of the trading post of John B. Cabanné, where he found bricks, mortar and ashes piled up, and among the debris, bits of earthenware and fragments of clay pipe-stems, and has in his possession the lock of an old-fashioned flintlock pistol found at the same place, which he

presented to the museum. He also relates that a former tenant of the land found a three-inch wrought iron cable, probably used in tying up boats at the river bank, now a bench six feet high above the river bottoms. The river now is a half mile farther east.

Mr. Iaeger, of Chadron, mentions two sites of great interest in northwestern Nebraska—Crow Buttes and Gates of Sheridan.

Mr. John F. Kees reports that the most important historic site in Gage county is the Daniel Freeman homestead, the first entered under the homestead act of 1862. It should certainly be marked.

Mr. Taylor, of Culbertson, writes about the last great battle between the Pawnee and Sioux Indian tribes in Massacre Cañon, near Trenton, August 4, 1873,<sup>1</sup> and that he has intended to erect a monument on the battle-ground at his own expense provided he could not obtain assistance, but thought he could secure contributions to the amount of fifty dollars. He also reports the location of an Indian battle-ground on section 16, township 2 north, range 31 west, six miles south of Culbertson. When he first visited the place in 1873, arrows, tepee poles and torn blankets were scattered over a strip of ground a mile long by a quarter of a mile wide. Mr. Taylor thinks that the battle occurred in 1865, between Indians and U. S. soldiers. He also reports that the old wagon trail along the Republican river crosses the bench upon which Culbertson stands, passing through his yard, where he has placed a marker.

Fort Independence, near the old O. K. store, on the old emigrant road south of Grand Island, has been the subject of some correspondence. The woman who owns

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<sup>1</sup> Mr. Taylor has told the story of this battle in Collections of the State Historical Society, volume XVI, page 165.



the land upon which it is situated is very anxious that a suitable monument be erected, and she informs me that she will subscribe twenty-five dollars toward it, and will grant such concessions as may be necessary to allow free access by the public and to protect it from vandalism.

Inquiry has been made as to the site of "Lone Tree," at the Lone Tree ranch on the same trail, in the vicinity of Central City. Lone Tree was a large cottonwood and was a favorite camping place. The tree, like many who slept under its friendly branches, has disappeared from earth, but Mr. C. C. Combs, a pioneer in that vicinity, informs me that he can point out the exact locality where it stood.<sup>2</sup>

Lone Tree has a peculiar interest to me. When I was a boy in Indiana, George Wilbur, our teacher during the winter of 1859-60, often told the pupils of his trip up the Platte river and to Pike's Peak, and how at Lone Tree they met discouraged returning emigrants, bearing evil tidings from the reputed gold fields. So many of the outgoing trains turned back that the famous cottonwood was dubbed the "Turntable." Years afterward I traveled over the trail and slept beneath its branches, in memory of my old teacher who had died some years before.

On the first of November I arrived in Bridgeport, too late to catch the Scotts Bluff train, and had to lie over thirty-six hours. While there, I made inquiry about the grave reported by Mr. Walker, heretofore referred to. Mr. R. H. Willis, formerly county surveyor, informed me that there was the grave of a woman on a beautiful knoll overlooking the Platte river, near the old Overland road, southeast of Bridgeport. Mr. Willis kindly loaned me one of his field books from which I found the location to

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<sup>2</sup> A marker was placed on the site of Lone Tree August 9, 1911.  
—ED.

be in section 26, township 19 north, range 49 west. The headstone of the grave is of marble, and the following inscription is beautifully carved upon it:

*Amanda,  
Consort of  
M. J. Lamin  
of Devonshire, Eng.  
Born Feb. 22, 1822.  
Died June 23, 1850  
of Cholera.*

The stone has been broken by vandals into many pieces which now lie scattered about.

From Mr. G. J. Hunt, a lawyer of Bridgeport, I learned that about fifteen years ago he represented the Belmont Irrigation Company, and his camp was located near the grave, and that a Mr. James Muir, correspondent of the *Omaha World-Herald*, came to his camp and, hearing of the death and burial of the woman, wrote an account of it for his paper. The article attracted the attention of a nephew of the husband, Mr. Lamin, living in Pennsylvania, who made inquiry as to the authorship of the article. He said that in 1850 his uncle, accompanied by his young bride, started for California in a wagon; that at a point about 200 miles from Ft. Kearny cholera broke out in the train, whereupon Mrs. Lamin was stricken and died; that his uncle returned to Fort Kearny, walking all the way, to procure a stone which he erected at his wife's grave; that Professor Hayden, the geologist, was in the wagon train, but when the cholera broke out he withdrew. In his report he mentions Mrs. Lamin's death and her burial on a beautiful knoll overlooking the Platte river. The emigrant road is at the foot of the knoll about ten rods distant.

In all the accounts of mournful deaths on the overland trails, I remember none more sad than this of Mrs. Lamin, and certainly no greater fidelity and constancy than was shown by Mr. Lamin in thus traveling 200 miles, alone and on foot, through a country infested by Indians to procure this stone to mark the burial place of his bride. Our advance guard of civilization has all but obliterated that work of loving hands, and I earnestly recommend that a suitable memorial, bearing the original inscription and a brief history of the husband's fidelity, be placed at the grave.

#### FORT MITCHELL.

My business detained me at Scott's Bluff and Gering three days, and while there I made inquiry about Fort Mitchell. Mr. Sowerwine, a pioneer of Gering and a Pike's Peak emigrant, who had traveled over the Oregon Trail through Mitchell Pass, volunteered to show me the old site which is in the northeast corner of the southwest quarter of section 20, township 22 north, range 55 west, on the high bank of the west side of the Platte River, and about three and a half miles west of the town of Scott's Bluff. The wagon road from Scott's Bluff crosses the river and a narrow stretch of low bottom, and ascends through a cut to the second bench, about twenty feet above the river. Before it has reached the summit, a lane turns south to the home of Mr. R. S. Hunt, the owner of the land. Along this lane, and just inside the wire fence on the left, is the northwest corner of the old stockade, 228 feet from the center of the wagon road. That part of the fort now discernible was apparently the adobe stockade, and now fallen, trampled upon and rounded over, its outline is clearly defined. The inclosure was in the form of a trapezium, no two sides parallel, yet so nearly a rec-



tangle that it might be so considered. The north and south ends are each 90 feet in length, the west side 140 feet, and the east side 120 feet. The east side lies parallel to the edge of the bluff, and the west side is parallel to the lane fence, which protects it from the effects of travel in the lane. The large double gate was evidently on the south side at the southwest corner, and the road leading down the bluff to the ford is about 150 feet from the gate. The wooden parts of the structure were apparently burned, as the ground is thickly strewn with charcoal. The only evidence I found indicating military occupation was a brass army button, a hub of an army wagon, and numerous fragments of broken window glass, apothecary bottles, and others of stronger make and of different colors, evidently from the sutler's store. Having an instrument with me I took the following bearings from the southwest corner of the stockade:

The west wall bears north  $30^{\circ}$  west; the south wall bears north  $67\frac{1}{2}^{\circ}$  east; the perpendicular wall rock on the northeast side of Scott's Bluff bear south  $43^{\circ} 45'$  east.

On the range of bluffs to the southwest are two small buttes in close proximity to each other. The east one is the smaller and has a very sharp peak, which bears south  $47^{\circ} 35'$  west. The bearing of the north wall is north  $72^{\circ}$  east. About a quarter of a mile southwest is a low knoll which is said to be the burial ground, and that there were two graves. Upon visiting the spot, I found what were said to be headstones of native rock. I am of the opinion that if interments were made there, the bodies have been removed. I found a grave, however, thirty-five feet to the northeast, on the slope of the knoll surrounded with small stones. Mr. R. S. Hunt, the owner of the land, is very anxious that the bodies be removed before the graves become obliterated and has conferred with

the Grand Army post about it. I attach hereto a diagram of Fort Mitchell. I recommend that a marker be erected on the site.

#### MITCHELL PASS.

I visited the Mitchell Pass, about two miles and a half west of Gering. Scott's Bluff is the northern end of an adajutting point of the ancient river bluffs of the Platte. Some distance back of this point, two opposite cañons, one east, the other west, gradually broke down the dividing ridge, separating the point from the main bluff and in time forming a pass about 100 yards wide, 393 feet higher than Gering and 367 feet lower than the top of the bluff. The road from Gering is a smooth, gradual ascent; and within a mile of the pass the four parallel and deeply worn trails are very prominent. These unite and cross a deep abrupt cañon and ascend to the pass over a smooth track of Arikaree clay. The north side of the pass is cut and worn by wind and rain into little gullies, which forced the travel to the south side where it crossed the summit in a single track. The summit is perhaps two or three rods across, where the western descent is begun.

At the summit the road is worn down, leaving a bank on the left hand side four or five feet high, and a splendid place for a monument where it can be seen from the east and west.

Returning from Scott's Bluff, I took particular notice of Chimney Rock, on the south side of the Platte opposite the town of Bayard. The rock was formerly a perpendicular shaft or column, resting upon a bare conical mound, and at the time of the U. S. topographical survey its summit was 489 feet higher than the town of Bayard. I first examined it in August, 1880. It was a perpendicular column then with a flat top. I climbed the sloping

sides of its conical base to the foot of the column. Standing a little distance from the base there could be seen a crack extending through the shaft and downward from the top for a considerable distance, so that the sky could be easily seen through the crevice. Photographs taken in late years show that the piece on the west side has slipped off, which detracts very much from its former beauty.

#### INDIAN ATTACK ON A STAGE COACH.

On August 8, 1864, a coach on the Overland stage line, with Robert Emery driving, was attacked by Indians between Kiowa and Oak Grove stations. The route was known to be infested with Indians, and young Emery volunteered to drive the coach.

George S. Comstock owned a ranch in the vicinity and lived there at the time of the incident. I had found his address and sent a blue print copy of Root's map, which Mr. Comstock has corrected. I therefore rely mostly on his version. Kiowa station was about twelve miles east of Little Blue station. West of Kiowa station, instead of following the high ground, the stage company made a cut-off to lower ground and passed through young timber, reëntering the main road farther west. At the point where the cut-off began, was a steep bank, and, as Emery started to descend it, he saw the Indians' ponies in the brush. He immediately wheeled the horses and turned back over the road he had just traveled, calling upon his passengers to keep their seats and remain quiet. Emery guided the horses with skillful hands, although surrounded by Indians, yelling and shooting into the coach, at his horses and himself, until seen by Constable's ox train, which formed a corral into which he drove without the loss of life.

I recommend that when the point where Emery



discovered the Indians and wheeled the coach is definitely located a suitable monument be erected, not only to mark the trail, but to commemorate the bravery of the driver.<sup>3</sup>

In the fall of 1879 a band of Northern Cheyenne, who had escaped from the Indian Territory, were captured and held prisoners at Fort Robinson. One night during the winter they escaped. The soldiers trailed them to where they had taken refuge in a sheltered cañon, filled with timber and surrounded by high perpendicular rock walls. The soldiers picketed the mouth of the cañon. Knowing they could not escape, they thought all that would have to be done in the morning would be to call them out. When morning came, no Indians were to be found. They had scaled those lofty perpendicular walls, or escaped in some other mysterious manner. A detachment of soldiers pursued and attacked them in some Bad Land washouts, and after all but nine of the band had been killed the survivors surrendered. I believe this is the last battle between the army of the United States and the Indians on Nebraska soil. I camped in the mouth of the cañon in July, 1880, and thoroughly explored it.

#### MASSACRE OF PLUM CREEK.

In the night of August 7, 1867, a freight train going

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<sup>3</sup> In July, 1910, George S. Comstock, George D. Follmer, and the editor critically examined the line of the California road between The Narrows, near which Mrs. Eubank and her baby and Miss Laura Roper were captured, and the site of Oak Grove ranch. In that examination the site of the Emery incident was determined, and, accordingly, Mr. Follmer, in his paper, Incidents of the Early Settlement of Nuckolls County, which is published in volume XVII, Collections of the Nebraska State Historical Society, page, 160, designated the place as being in the southwest quarter of section 13, township 3, range 5—a little more than two miles southeasterly from Oak. For a more extended account of the Emery incident and the Oak Grove tragedy, see Indian Wars on The Nebraska Plains From 1864 to Final Peace, Watkins MS in Nebraska State Historical Society.—Ed.

west on the Union Pacific railroad, was wrecked by Indians at a point west of old Plum Creek station on the west side of a flat slough. The fireman is said to have been driven into the firebox and burned to death, while the engineer fell between the drivers. Mr. Hendershot, "the drummer boy of the Rappahannock," told me a few years ago that he was the conductor, and ran back to Plum Creek and gave the alarm, and a telegram was sent to Fort Kearny for assistance. Four men were killed, and one man named Thompson was scalped, but survived. The Indians pillaged the train, breaking open boxes of groceries and dry goods. They tied bolts of gay colored ribbons and cloths to their ponies' tails, and in their flight these floated in the air and presented a strange spectacular appearance. The next day, about nine or ten o'clock, on seeing a column of dust rising to the eastward, and the head of the column of soldiers appearing, they fled south across the Platte.

Soon after my arrival in Omaha in the spring of 1869, Mr. Thompson was pointed out to me. I crossed the street, introduced myself, and told him that in the East I had read the story of the tragedy, of his being scalped and that the soldiers had found the scalp, and asked him if he was the man and if the story was true. "Yes, sir," said Mr. Thompson. "I am the man, and I have the scalp in my pocket" and, taking from his vest pocket a little package, showed me the scalp, then taking off his hat showed me the scalp wound.

In 1871, I was in the employ of the land department of the Union Pacific Railroad Company, and had the place where the engine was wrecked pointed out to me by Mr. Delhanty, the section foreman at the time, and upon turning over a lot of debris, I found a burnt four-blade pocket knife which I still have. I also found the graves of

the two men killed, a few feet from a section corner which was reported in my notes to the department.

I have written the land department to ascertain if any tablet or marker has ever been placed to mark the spot.

I recommend that, if the Union Pacific Railroad Company does not erect a memorial, this Society do so.

#### MASSACRE OF EMIGRANTS AT PLUM CREEK ON THE OVER- LAND STAGE LINE.

In 1864, Indians attacked an emigrant train in a ravine near Plum creek on the Overland stage line on the south side of the Platte river, and killed eleven persons. Colonel Thomas J. Majors, who was at one time stationed near the place, has promised a description of it, with a diagram. It has not yet been received. I recommend a suitable marker at the proper place.

#### RED CLOUD.

In the file of correspondence is a recent letter from Mr. Harold J. Cook, of Agate, Neb., regarding the final resting place of Red Cloud. He says that his father, who had known the old chief very intimately for more than thirty years, was the only white man he visited and sought advice from, off the reservation, and that it was his expressed wish during his last years that he be buried at the foot of Red Cloud Buttes on the military reservation near Crawford. Red Cloud died December 10, 1909. He was the last of the great chiefs of the Sioux nation, and the last great warrior of the Indian race. His generalship called forth the most efficient officers in the regular army, and finally beaten by overwhelming numbers, he retired to a reservation, refusing to take his allotment until long afterward. He was a native of Nebraska, born near the



forks of the Platte river. The scenes of his boyhood and early manhood are in Nebraska, and Mr. Cook suggests that an effort be made to overcome some difficulties attending a reinterment, to the end that in accordance with his expressed desire his final resting place shall be at the foot of the Buttes which bear his name.

#### MARKING THE OVERLAND TRAIL.

The defeat in the last legislature of the bill to appropriate \$2,000 toward marking the Oregon Trail, from the Kansas line to Wyoming, was a sore disappointment to me, and I am sure it was a greater one to the Society of the Daughters of the American Revolution. It was their one bill. From it they expected to accomplish a great deal in the way of marking the trail at all the prominent and important places through the state. Two thousand dollars properly apportioned among all the counties through which the road runs would be an incentive to request and receive contributions from counties and citizens of the towns and even farmers along the route, to assist in the work.

Wherever I have been along the overland trails the farmers take pride in pointing out the old tracks, and when the project of marking them with durable and sightly monuments has been mentioned, it has met with favor. I do not recollect of an instance of unwillingness to contribute; but their approval was generally coupled with the idea that the state and counties immediately interested should assist.

I hope that the next legislature will view the matter with more favor, but anyway the sites will be marked. We will make citizens go down into their own pockets to contribute, and the school children over the state can be relied on to greatly assist in the work.

## "THE LONE GRAVE."

Since I penned my remarks regarding the grave of Mrs. Lamin, I have received a clipping from the *Omaha World-Herald* from some unknown source, but I think from Mr. Gilder, touching a grave found on a sandy knoll about two miles from Kenesaw. The clipping recites the story of a tragedy of the Oregon trail. In June, 1852, a young man named Hale and his wife, on the way to the gold fields, reached the old government well, about two miles southeast of the present town of Kenesaw, and being very thirsty drank heartily. The Indians had poisoned the well, and Mrs. Hale died. Her husband made a coffin from his wagon box and buried her on a knoll. He then went alone to Omaha for a marble headstone to mark the grave, and then joined another train. The stone became broken in pieces which were carried away from time to time. Another stone was erected by relatives of Mrs. Hale, but it, too, was carried away. The spot is now marked by an ornamental fence erected by a benevolent Sunday school.

The inscription on the original headstone was something like this:

*Sacred to the Memory of*  
*Susan B. Hale*  
*Who died . . . . 1852 . . .*

A picture of the fence accompanied the clipping. The story shows the same spirit of devotion on the part of the husband as in the case of Mr. Lamin on the death of his bride.

The federal government has, in many instances, withdrawn from public entry tracts of great scenic beauty and scientific value to prevent their exploitation and de-

struction. Nebraska has a number of very notable landmarks of this class. I submit, as a proper and important matter for discussion, the advisability of petitioning Congress to donate such landmarks to the Historical Society, or, in each case, to the nearest town. I have in mind Scott's Bluff, Chimney Rock, Court House Rock, Crow Buttes, and the Gates of Sheridan.

#### RECAPITULATION.

I herewith present a tabulation of my recommendations for suitable markers.

1. The site of John B. Cabanne's trading post.
2. Fort Lisa.
3. The first homestead taken under the homestead law of 1862, by Daniel Freeman, Gage county.
4. The site of the last battle in Nebraska between the Pawnee and Sioux in Massacre Cañon, near Trenton, Red Willow county.
5. Fort Independence, on the Overland trail, south of Grand Island.
6. Lone Tree, where stood the famous cottonwood tree at "Lone Tree Ranch," on the Overland trail, near Central City, Merrick county.
7. The grave of Amanda Lamin, to bear the original inscription and an addition to commemorate the devotion and fidelity of her husband.
8. The site of Fort Mitchell in the southwest quarter section 20, township 22 north, range 55 west, near Scott's Bluff, Scott's Bluff county.
9. The summit of Mitchell Pass, two and a half miles west of Gering, Scott's Bluff county.
10. The place on the Overland stage line, on the Little Blue River, where young Emery, the driver of the stagecoach wheeled the coach to avoid the Indians.







TO  
RECOMMENDATION  
THE  
VALOR AND PATRIOTISM  
OF OUR  
UNIVERSITY SOLDIERS

WHO GAVE THEIR LIVES FOR THEIR COUNTRY  
IN THE  
SPANISH-AMERICAN WAR

ERECTED BY THE CLASS OF 1904

JOHN MILLER STODOLSKY  
COLONEL 1ST REG. CAVALRY U.S.A.  
COMMANDANT UNIVERSITY BATTALION  
AUGUST 1903  
CORPORAL CO. H. 2D U.S.V. ENGINEERS.  
ROBERT LEWIS FOLLETT  
PRIVATE CO. E. 1ST REG. U.S.V.  
ISAK FRASER  
SERGEANT TROOP 1, 3D U.S.V. CAVALRY  
ROY WILLIAM JOHNSON  
CORPORAL CO. H. 2D U.S.V. ENGINEERS.  
WYNE B. LARRABEE  
PRIVATE 4TH BRIGADE, 1ST S.D. U.S.V.  
JOHN H. LILLEN  
FIRST LIEUTENANT, CO. I. 1ST S.D. U.S.V.  
HENRY GOY LIVINGSTONE  
PRIVATE CO. M. 1ST REG. U.S.V.  
THOMAS D. LUNN  
CORPORAL CO. K. 2D REG. U.S.V.  
NELSON ABBOTT SAWYER  
PRIVATE CO. D. 2D REG. U.S.V.  
ARTHUR CHARLES SIMS  
PRIVATE CO. K. 1ST REG. U.S.V.  
MAYRON ORSHIN STEARNS  
SERGEANT CO. E. 1ST REG. U.S.V.

11. Site in Sioux county of the last battle between United States forces and Indians, January 22, 1879.

12. The place where engine was wrecked near Plum Creek Station, August 7, 1867.

13. The site of the massacre of the emigrant train at the cañon near Plum Creek on the Overland stage line in 1864.

#### MEMORIALS.

An effort is being made to ascertain the location of tablets, markers, monuments or other memorials erected in the state to commemorate historic places, events, or persons in whom the public have a general interest. During the year the following have been compiled:

1. Companion bronze tablets, one on the right, and the other on the left of the west door of Grant Memorial Hall, on the campus of the state university, Lincoln, dedicated to the memory of the university students who fell in the Spanish American War.

2. Two brass cannons captured during the Spanish-American war, mounted on pedestals on the university campus.

3. Lot in Wyuka Cemetery (300 feet long x 100 feet wide) dedicated to deceased soldiers and sailors of the Civil War.

4. An infantryman in light marching order at parade rest, heroic size, of sandstone, in soldiers and sailors lot in Wyuka Cemetery.

5. Monument to General John M. Thayer, in soldiers and sailors lot, Wyuka Cemetery. Cost, \$1,250 appropriated by the legislature of 1907.

6. Two brass Spanish cannon from the Presidio,



San Francisco, Cal., by the G. A. R. post and mounted in Public Park in city of Columbus, Nebraska.

7. Marble shaft eight inches square by N. B. Sweitzer, U. S. Examiner of Surveys, marking the site of original flagstaff McPherson, Lincoln county, and to mark locus of original survey of the Military Reserve by W. J. Allason in 1869.

8. Granite monument three feet and six inches high to mark the site of the Pawnee Council of May 25, 1855, on the farm of Robert McLean in section 2, township 16 north, range 8 east, on top of bluff west of the B. & M. railroad overlooking Platte river and opposite Fremont.

9. Monument to mark the site of Fort Atkinson by the D. A. R.

10. A sixty-four pound cannon mounted on a concrete base on a boulder, bearing a bronze tablet in form of a shield two feet in length by two in width, which bears the inscription, "James Laird, Major U. S. Vols. Member of 48, 49, 50 and 51 Congress, 1849-1889," was dedicated May 30, 1904, Hastings, Nebraska.

11. A circular lot 100 feet in diameter in center of Elmwood Cemetery, St. Paul, dedicated to the burial of indigent and unknown soldiers and sailors of the Civil War by Canby Post No. 8 and a concrete monument in center of lot.

12. Marble monument by the Chicago Burlington & Quincy Railroad Company at the grave of Mrs. Rebecca Winters, who died in 1852 and was buried close to the track of the Burlington railroad, on the north side, about two miles east of Scott's Bluff station.

13. Marble slab 46 inches long by 17 inches wide, contributed by W. C. Ritner of North Platte, laid on the grave of Rachel E. Patterson who died June 19, 1849. The grave is situated near the bottom of the east slope





LARGE MONUMENT, AURORA, NEBRASKA.



of the bluff on the west side of Ash Hollow and near its mouth. The site of the grave is now within the Lewellen Cemetery.

14. An ornamental fence inclosing the grave of Susan B. Hale, who died June, 1852, by drinking water from a well poisoned by Indians.

15. Two base stones, established in 1869 by U. S. Coast Survey to mark a true meridian, designated by copper points, in front of old territorial capitol, on Capitol Hill, Omaha, now the site of the Omaha High School building.

16. In the year 1906 a white bronze monument twenty-five feet high with a base seven and a half feet square was erected, as a memorial to union soldiers, in Memorial Park in the Courthouse square, Aurora. This monument cost \$3,000, including freight and setting up, of which \$1,500 was donated by Hamilton county, \$750 by the city of Aurora, and \$750 was obtained by general subscription. The project was started by the Logan Circle Ladies of the G. A. R. and carried to completion by General Delevan Bates.

17. Another monument, eight feet high, with a pedestal three feet and six inches in height, stands in the same park. It was presented by General Delevan Bates at a cost of \$500.

There are in the park also two Parrott guns which were presented by the War Department. They are mounted on concrete pedestals.

An iron flagstaff surmounted by a gilt ball stands in the center of the park which is surrounded by a concrete walk and is located at the southwest corner of the courthouse within the public square.

18. A soldiers monument is being erected at Kear-

ney by the city. Description, cost, etc., with photograph to be furnished later.

19. Milford soldiers monument, a soldier, life size, at parade rest. Photograph and description to be furnished by General Culver.

20. A soldiers monument being built at Sutton. Base already in position. When completed, description and photograph will be furnished by R. A. Pauley, George E. Mead Post 19.

On account of lack of funds the Society has not erected any marker or monuments and would have to depend on local interest and pride to provide the necessary expense. Nearly 200 letters have been written, but a majority of them have failed to bring responses; yet much valuable information has been received.

Respectfully submitted,

ROBERT HARVEY,

*Chairman of Committee on Historic Sites.*

The concluding session of the meeting was held at the First Christian church at 7:45 P. M., January 19, with President John Lee Webster in the chair. An address by Dr. Benjamin F. Shambaugh, of Iowa City, "The Mississippi Valley as a Field for Historical Research," was omitted owing to the fact that Dr. Shambaugh had been detained at home by illness.

The address by Eugene F. Ware on The Indian Campaigns of 1864 was reported by the stenographer and sent to General Ware for revision but, his illness and death following soon after, the manuscript was not returned. The address was an epitome of "The Indian War of 1864," published in the year 1911.





SMALLER MONUMENT, AURORA, NEBRASKA.





## CALL FOR SPECIAL MEETING OF BOARD OF DIRECTORS.

LINCOLN, NEB., Jan. 13, 1910.

There will be a special meeting of the board of directors of the Nebraska State Historical Society at the First Christian Church, Fourteenth and M streets, Wednesday, January 19, 4 P. M.

The purpose of the meeting is to consider the following named subjects:

First, plans for furthering the building project.

Second, a proposition to publish the manuscript of Eugene F. Ware on "The Indian Campaign of 1864."

Third, to give preliminary consideration to the budget for the next fiscal year.

Your presence at this meeting of the board is earnestly desired.

Yours very truly,

CLARENCE S. PAINE, *Secretary.*

MINUTES OF A SPECIAL MEETING OF BOARD OF DIRECTORS,  
JANUARY 19, 1910.

The special meeting was called to order at five o'clock by the president.

Present, John L. Webster, Professor H. W. Caldwell, Samuel C. Bassett, N. J. Ludi, Chancellor Samuel Avery, S. L. Geisthardt, Robert Harvey, and the secretary.

The secretary moved that the president be authorized to appoint a legislative committee of five members, not necessarily members of the board, nor of the Society, to plan with the board of directors for securing from the next legislature such appropriations as may be deemed necessary for the purposes of the Society. This motion was seconded by Mr. Ludi and carried.

The secretary presented for the consideration of the

board an informal proposition, which had been received from General Eugene F. Ware, of Kansas City, Kansas, for the publication of a manuscript on "The Indian Campaign of 1864."

After some informal discussion, Mr. Geisthardt moved that the secretary be directed to convey to General Ware the assurance that the board fully appreciates the very generous offer made, and requests that the manuscript be submitted for further consideration; further, that the president appoint a committee to examine the manuscript of General Ware and report to the board, through the president, on the advisability of undertaking its publication. This motion was seconded and carried.

The president appointed Mr. Albert Watkins, historian of the Society, to examine the manuscript in question.

The board then gave preliminary consideration to the matter of employees and salaries for the fiscal year, beginning April 1, 1910. The secretary recommended a reduction in the number of employees, and urged that by so doing a sufficient amount of money might be saved to complete the third volume of the proceedings of the constitutional conventions, and to publish a miscellaneous volume of proceedings and collections.

Chancellor Avery suggested that the governor had requested that no definite action be taken with reference to salaries until he could be present. The secretary therefore moved that the matter of employees and salaries for the next fiscal year be referred to a committee composed of President Webster, Governor Shallenberger and S. L. Geisthardt, to canvass the situation and report their findings and recommendations to a future meeting of the board. Seconded by Mr. Ludi and carried.

The secretary called attention to the necessity for



wiring the basement of the new building for electric lights. Upon the suggestion of the president, Mr. Geisthardt moved that the matter be referred to the secretary with power. Seconded and carried.

There being no further business to come before the meeting, a motion to adjourn, subject to call, was seconded and carried.

CLARENCE S. PAINE, *Secretary*.

CALL FOR SPECIAL MEETING OF THE BOARD OF DIRECTORS.

LINCOLN, NEB., March 1, 1910.

There will be a special meeting of the board of directors of the Nebraska State Historical Society, held at the rooms of the Society, Wednesday, March 9, at 2 P. M., for the consideration of the following subjects:

First. Receive and act upon the report of the special committee appointed to recommend employees and fix salaries for the ensuing year, beginning April 1.

Second. Arrangement of the general budget for the remainder of the biennium.

Third. Proposition to hold a special meeting at Omaha, or Bellevue, to celebrate the centennial of the organization of the Pacific Fur Company.

Fourth. Acceptance of the work done by John Westover and Louis Jensen, under their contracts on the new building.

Your attendance is earnestly desired at this meeting.

Yours very truly,  
CLARENCE S. PAINE, *Secretary*.

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS, MARCH 9, 1910.

The special meeting was called to order at two o'clock by President John L. Webster.

Present, John L. Webster, Governor A. C. Shallenberger, Chancellor Samuel Avery, Robert Harvey, Samuel C. Bassett, S. L. Geisthardt, Nelson J. Ludi, Professor H. W. Caldwell, and the secretary.

President Webster made a brief statement of the work and investigations of the special committee appointed to consider the matter of employees and the apportionment of funds for the fiscal year beginning April 1, 1910. The committee made no recommendation. A general discussion of the whole question was participated in by all the members.

Mr. Bassett read a letter from Representative Ralph A. Clark, bearing on the work of the Legislative Reference Bureau. He then introduced a resolution reciting in the preamble the history of the legislative reference library and the relation of the legislature and the State Historical Society thereto. Then followed these resolutions:

1. Mr. A. E. Sheldon to be director in charge of this department, with authority to carry on the work of the department, including the necessary correspondence.

2. The Society to furnish necessary stationery, a typewriter and other facilities for properly carrying on the work.

3. A stenographer, to be named by the director of the department and approved by the secretary of the Historical Society; and extra help during the next session of the legislature, to be selected in the same manner as the stenographer.

4. That Mr. W. E. Hannan be assigned as an assistant in this department, commencing December 1, 1910, and continuing during the coming legislative session.

5. That if possible more commodious quarters be provided for this department.

6. The director of this department shall submit from time to time, as necessity requires, estimates of the cost of needed supplies for this department, to the governor, and upon the approval of the governor the secretary of the Historical Society shall procure such supplies for the use of the department, provided that the total expenditures during the year for supplies for this department shall not exceed the amount appropriated for that purpose.

7. That there be and hereby is appropriated and set apart for the support of this department during the year April 1, 1910, to April 1, 1911, the following amounts:

Director's salary .....	\$1,300
Stenographer's salary .....	400
For stationery, postage, express, extra help, purchase of material, and all other incidental expenses	300

Upon the suggestion of President Webster the preamble referred to was omitted. Mr. Bassett then moved the adoption of the resolution. Motion seconded by Mr. Ludi. Governor Shallenberger moved to amend section 7 of the resolutions by substituting the following apportionment of funds:

Director's salary .....	\$1,200
Stenographer's salary .....	300
For stationery, postage, express, extra help, purchase of material, and all other incidental expenses	100

This amendment being accepted by Mr. Bassett, the question recurred upon the resolution as amended. Mr. Geisthardt called for the ayes and nays. The roll being called on the adoption of the resolution as amended, the following vote was recorded:

Yes, Avery, Bassett, Caldwell, Ludi, Shallenberger.

No, Geisthardt, Harvey, Paine.

The secretary announced the vote as five for and three against. The president thereupon declared the motion carried and the resolution adopted.

Mr. Ludi then moved that the office force be reduced by dispensing with the services of Mr. Watkins. The motion was not seconded.

The secretary then moved to elect the present office staff at the salary named as follows:

Albert Watkins, historian.....	\$1,500
Mrs. Minnie P. Knotts, librarian.....	960



## 238 NEBRASKA STATE HISTORICAL SOCIETY

Willian E. Hannan, newspaper de-	
partment .....	900
Stenographer .....	416
Janitor .....	120

Professor Caldwell then moved that a committee of three be appointed to advise with the secretary in the matter of a separation of the property of employees from that belonging to the Society. Seconded, and carried. The president appointed as such committee, Professor H. W. Caldwell, S. L. Geisthardt, and Governor Shallenberger.

The secretary moved the adoption of the following resolution which was adopted:

*Resolved*, That all employees shall be required to immediately remove from the rooms of the Society any and all personal property, and return to the custody of the secretary any property belonging to the Historical Society now under their personal control outside of the rooms of the Society.

It was moved by Mr. Geisthardt that the secretary be directed to issue warrants to Louis Jensen, John Westover, L. W. Pomerene Company, and the Enterprise Planing Mill Company in payment of their claims under existing contracts, upon receipt of final certificate of the architect that the work had been completed according to contract. Seconded and carried.

On motion of Mr. Geisthardt, seconded by the secretary, the meeting was adjourned.

CLARENCE S. PAINE, *Secretary*.

CALL FOR SPECIAL MEETING OF THE BOARD OF DIRECTORS.

LINCOLN, NEB., April 25, 1910.

There will be a special meeting of the board of directors of the Nebraska State Historical Society, held at the office of the Society, 2 P. M., Friday, April 29, 1910,

for the consideration of the following order of business:

1. Minutes of previous meetings.
2. Report of secretary.
3. Centennial celebration at Bellevue and Omaha.
4. Final acceptance of work done under contracts on the new building.
5. Contract of the York Blank Book Company for printing volume III of the constitutional convention proceedings.
6. Resolution requesting payment of annual dues by members.
7. Election of members; and for the consideration of such other business as may properly come before the meeting.

Yours very truly,

CLARENCE S. PAINE, *Secretary.*

MINUTES OF SPECIAL MEETING OF THE BOARD OF DIRECTORS,  
APRIL 29, 1910.

The meeting was called to order at half past two by the president, John L. Webster.

Present, John L. Webster, Robert Harvey, S. C. Bassett, Professor H. W. Caldwell and the secretary.

The reading of the minutes of previous meetings and the report of the secretary were passed.

A motion by the secretary, seconded by Mr. Harvey, to issue to Mr. George A. Berlinghof, architect, the warrant for \$1,250, in payment of his claim for services, was carried.

In the matter of the contract of the York Blank Book Company for the printing of the third volume of the Nebraska Constitutional Conventions, the secretary made a detailed statement of the circumstances leading up to the letting of this contract by the state printing

board, and set forth the position of the York Blank Book Company with reference to its fulfillment. On motion of Mr. Bassett, the subject matter was laid on the table.

President Webster presented an address to the members of the Society as follows:

*To the Members of the Nebraska State Historical Society:*

The Nebraska State Historical Society has a membership of 809, based upon the record of persons who have been admitted to membership covering the period of its history from 1878 to date. These persons have contributed nothing to the expense of maintaining the Society other than the initial membership fee of two dollars, and many of them never attended meetings of the Society and have taken but a limited interest in its welfare.

It is the judgment of the governing body of the Society that its members ought to take an active interest in its prosperity, and contribute annually something toward its support. It is believed, and indeed it is quite necessary, that the members should contribute at least the sum of two dollars per year to be used to help in defraying the necessary expenses of the Society. This also will tend to create an interest in the individual membership. In consideration for this payment it is the sense of the Society that all members so contributing the sum of two dollars per year shall receive free of charge a copy of each of the subsequent publications. Without such contributions publications cannot be made.

The secretary is instructed to send a copy of this communication to each member of the Society, which shall be a request for the remittance of two dollars, which will be turned over to the treasurer to be disbursed in the usual course of business by the governing body.

Mr. Bassett moved the adoption of the address as the act of the board. Seconded and carried.

The suggestion of the president that the secretary be instructed to order embossed stationery, similar to samples presented, and such as used by other state offices was, on motion of Mr. Bassett, approved.

Mr. Harvey moved that the secretary be authorized



to have bound all accumulated volumes of Nebraska dailies, if funds were available. Seconded and carried.

The followings names of persons were proposed for membership, and upon motion they were duly elected.

Samuel Avery, Lincoln,	William H. Keeling, Falls City,
Francis A. Brogan, Omaha,	Althera H. Letton, Lincoln,
Asher Cooley, Lincoln,	Adoniram J. Leach, Oakdale,
Mrs. Alice E. D. Goudy, Peru,	Homer J. Merrick, Adams,
Christian H. Hohman, Lincoln,	Francis A. Miller, Beatrice,
Omar P. Hendershot, Hebron,	Mrs. Rose McGiverin, Fre-
Edgar H. Scott, Omaha.	mont,

After some further informal discussion, the meeting was declared adjourned by the president.

CLARENCE S. PAINE, *Secretary*.

#### THIRTY-THIRD ANNUAL MEETING.<sup>1</sup>

The thirty-third annual meeting of the Nebraska State Historical Society was held at Lincoln, Nebraska, January 9, 10, 11, 1911.

The annual banquet took place at the Lincoln Hotel, January 9, at half past six in the evening, with Judge Charles B. Letton as toastmaster. Toasts were responded to by Isaac L. Albert, William M. Davidson, Chancellor Samuel Avery, Chester H. Aldrich, and John Lee Webster.

#### BUSINESS MEETING.

The meeting held at the Temple Theater, January 10, was called to order by President John L. Webster at half past nine in the morning, and he announced that

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<sup>1</sup> I have discovered that for many years the numbers of the annual meetings of the Society, as printed in the published proceedings, have been one too high. The first annual meeting having been held in 1879, the meeting of 1911 cannot be above the thirty-third, the number given to that of 1910.—Ed.

with permission of the audience he would change the program and ask for the secretary's report at this time. The secretary then read his report as follows:

SECRETARY'S REPORT FOR THE YEAR ENDING  
DECEMBER 31, 1910.

*To the Members of the Nebraska State Historical Society:*

The work of the past year has been much like that of any preceding year, although there is a noticeable increase of interest on the part of the public in the field of historical study and research. This is a natural result of the agitation for a new building, the prosecution of plans for marking historic sites, and the general publicity given to the work of the Society in other ways.

However, this aroused public interest creates a greater demand upon the time of those charged with the administration of the affairs of the Historical Society, and many things are of necessity left undone that ought to receive personal attention. While this is often discouraging to members of the office staff, we are hopeful for the future.

The Society has less space for its work, library and collections, and less income than similar societies in other states of equal importance. The furniture and equipment is of the primitive, homemade order, constructed for the Society in its infancy. While the collections and the importance of the work of the Society have grown commensurate with its years, there has been no adequate increase of space or equipment.

Tons of material for the museum are now boxed and stored awaiting a time when sufficient room will permit of the display of the specimens. The same is true of thousands of books and newspapers, which are unavail-

able owing to lack of shelf room. A number of people have expressed their intention to donate their collections of museum material and libraries to the Society as soon as they can be properly cared for. This cramped and crowded condition makes the work tedious, laborious and expensive.

This Society is one of the oldest of the institutions of Nebraska, having had its origin almost with the beginning of statehood and having been supported and maintained by the state for more than a quarter of a century. During this time a very valuable collection of material has been assembled, and it would seem to be a very short-sighted policy not to provide for its availability and safe keeping, even though the work of the Society was not to be extended.

At present the Society is an unwelcome, and unwilling tenant of the State University, which is itself so cramped for space that it will soon be obliged to occupy the rooms now used by the Historical Society, and there seems to be no other place open to the Society. It is hoped that our legislature will see that this is a convenient time to provide joint accommodations for the Society, the Supreme Court and the State Library, on a comparatively small expense until an adequate capitol can be built.

The attention of the historians of the United States is just now directed toward Nebraska and Kansas. Both states have started buildings to house their historical societies. Both have acceptable sites adjoining the capitol grounds, and both have expended about the same amount on foundations for buildings.

Kansas has perhaps the advantage, although its site is not nearly so large or valuable and only about \$7,000 of its cost was borne by the city of Topeka. To this the state added \$15,000. Out of an appropriation of \$200,000



there has been expended on the foundation a little more than \$23,000. The balance has been permitted to lapse because it was insufficient to complete the building in accordance with the demand, from all over the state, that either marble or granite be used for the exterior.

At the annual meeting of the Mississippi Valley Historical Association held at Iowa City, the Nebraska State Historical Society had a larger representation in the attendance and upon the program than any other state historical society or institution in the Mississippi Valley. Addresses were delivered by our president, John Lee Webster, and our historian, Mr. Albert Watkins, which rank among the best ever presented before the association. These addresses will be printed in Volume III of the Proceedings of the Association.

Members of the office staff took advantage of this occasion to visit the rooms of the Iowa Historical Society and attend its annual meeting, and also to visit the building and collections of the Historical Department of Iowa at Des Moines.

President Webster has delivered several addresses for the Society during the year, including one delivered at the unveiling of the first monument erected to mark the Oregon Trail, at Kearney, Nebraska. The Society was represented at the Fort Kearny reunion and celebration by Mr. Watkins, who delivered an address. Addresses were delivered at Brownville by both the secretary and the librarian of the Society. The secretary also spoke at the annual meeting of the Southern Lancaster County Old Settlers Association and at the meeting of the Nebraska State Press Association, held in Lincoln. He also attended the unveiling of the monument erected by the Daughters of the American Revolution in Riverside Park, Omaha. The librarian attended, on

September 13, the annual meeting of the Antelope County Pioneers held at Clearwater, and the Nebraska State Library Association, held in Lincoln, October 19-21. Other invitations have been declined on account of a press of other duties.

#### NEW BUILDING.

Since our last annual report all of the work in connection with the foundation and basement of our new building has been finished, including the equipment of the basement with museum cases and metal shelving. During all of the summer months this basement room was used as a workshop, and into it we have moved several thousand volumes of books and newspapers, and many tons of museum material. It is, however, impossible to work in this place during the winter as there is no provision for heating it, and the lighting is not sufficient for work at any time.

At the last annual meeting of the Society the following resolution was unanimously adopted:

*Be It resolved*, by the State Historical Society of the state of Nebraska, that we, the members of the said Society, request the directors to temporarily modify the plans of the building being erected, so that the State Historical Society may occupy the one hundred feet now under construction, the central one hundred feet to be modified to accommodate the supreme court and its officers, and the north hundred feet to be formed to accommodate the state library until such time as the state may erect a new capitol into which both the library and supreme court may be transferred.

The meaning of this resolution was that the plans should be altered to provide for the occupancy of the south wing by the Historical Society, the central portion by the supreme court and the north wing by the state library. It is believed, however, that any proper

division of the space which would best accommodate these three interests would be satisfactory to the members of the Society and the public generally.

This removal of the state library, the supreme court, Nebraska Public Library Commission and the attorney-general's office from the present capitol would so relieve the congestion there that a new capitol would not be required for several years to come. When such a building was erected provision would of course be made for the supreme court and the state law library, and by that time the historical and miscellaneous library would require all of the space in the building which it is now proposed to erect.

The Historical Society has never asked for or expected more room than absolutely necessary to do its work and house its library, museum, newspaper and archives departments. The Society would be willing even to be crowded for some years to come, as it has been for several years past, if it might have a place where its collections would be safe, with reasonable prospect in the future for room to meet its growing needs.

Under the law the Historical Society is the custodian of all public archives over twenty years old, in any state office or institution, county courthouse or other public building. Tons of this material, invaluable to the historian, sociologist and special investigator is being lost to the public in these various offices and institutions, while the Historical Society is powerless to perform the duties for which it was created and with which it is charged under the law.

For several years no effort has been made to add to the collections of the library or museum because there was no place to even store such additions. Much of the material already assembled is unavailable. While this



conditions prevails in Nebraska, other historical societies in neighboring states, with modern buildings, up to date equipment and liberal support for maintenance are sending their agents through Nebraska and assembling in their archives material which should remain here. Our own students and investigators are compelled, at considerable expense of time and money, to visit these neighboring capitols to consult documents which record the growth and development of this commonwealth.

Our state library, which is admittedly one of the best in the United States, has its usefulness materially impaired by reason of its crowded condition and besides is in imminent danger of destruction by fire as long as it remains in its present location. Neither of these libraries, the one with its unsurpassed law library of nearly 60,000 volumes, the other with its historical library of 35,000 volumes, could ever be replaced. Although in respect to the danger from fire the Historical Society is in a better condition than the state library, from the fact that its library and collections are divided between three places, the basement of the University library building, the basement of the capitol and the basement of the new historical building, while other archives that it ought to have are distributed throughout the state in half a hundred or more courthouses that were certainly never designed to house priceless records.

#### EDITORIAL WORK.

So varied are the duties of employees that it is almost useless to attempt to describe in detail the work of any individual member of the office staff, or to give any adequate idea of the work accomplished. This is particularly true of the work of the historian.

As a result of Mr. Watkins' work we are able to an-

nounce the completion of the following monographs, some of which were begun last year: *Outline and Summary of Nebraska History, Indian Wars on the Nebraska Plains, 1864-1879, Evolution of Nebraska, The Story of Fort Kearny, History of Railroad Control in Nebraska, Historical Significance of the Bellevue Celebration, History of the Regulation of the Liquor Traffic in Nebraska, Nebraska Territory, its Organized Evolution, Nebraska and Minnesota Territorial Boundary, Pawnee Indian Village near Fremont.*

Only the first of these papers, the *Outline of Nebraska History*, a forty-five page pamphlet, has been printed. It was thought best because of its character to print this by itself. The others may be combined in a volume of collections.

In addition to these completed monographs, the work of research, and the classification of historical data upon many subjects has been continued by Mr. Watkins, until the reference cards used for this purpose constitute a fairly complete bibliography of Nebraska history. Much time has been devoted to answering inquiries, and several public addresses have been given.

Many very large collections of stone implements, Indian bead work and pioneer relics will be turned over to the Society by the individuals now having them in charge, as soon as we are prepared to receive and care for them.

Since April first the museum has been under the immediate direction of the librarian, who has had charge of the accession book, and a number of additions have been recorded for the year, among which are two cabinets of relics of the revolutionary period, the collection of the Deborah Avery Chapter D. A. R.; and another of

noteworthy interest is a silk banner presented by Governor Alvin Saunders to the Saunders Light Artillery U. S. First Company.

#### HISTORIC SITES.

This department of the work of the Society is in such capable hands and so complete a report will be made at this meeting by the chairman of the committee on historic sites, Mr. Robert Harvey, that it seems needless for the secretary to do more than refer to it in a general way.

The most conspicuous completed work this year was the dedication of a monument at Bellevue. At the instigation of officers of the Society, the 1910 graduating class of the Omaha high school is placing upon its building a bronze tablet marking the site as that of the first territorial capitol, erected by the federal government.

A plan is now being worked out to place a suitable monument on the site of the blockhouse at old Fort Kearny, now within Nebraska City. Plans are maturing also for the erection of a monument on the Little Blue River to mark the site of the Indian massacre of August 7, 1864. We are also working upon a plan to reproduce, in miniature, for our museum, the buildings and grounds of Fort Kearny.

We have procured a nearly complete record of all the monuments and markers of any kind or description within the boundaries of the state.

THE PRESIDENT. If there are no objections the secretary's report will be received and placed on file. The treasurer's report will now be given.



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## NEBRASKA STATE HISTORICAL SOCIETY

### TREASURER'S REPORT FOR YEAR ENDING JANUARY 1, 1911.

*To the Officers and Members of the Nebraska State Historical Society:*

I hereby respectfully submit my report as treasurer for the year ending January 1, 1911.

I am to be charged with the receipts and disbursements shown in detail on the schedule annexed as follows:

1910.

#### RECEIPTS.

Jan. 1 Balance on hand in National Bank of Com.....	\$1493.90
Jan. 1 Cash, donation publication fund.....	24.80
Jan. 1 Cash, sundries .....	74.35
Jan. 1 Cash, donation .....	100.00
Jan. 1 Cash, membership fees .....	136.00
Total receipts .....	\$1829.05

1910.

#### DISBURSEMENTS.

Cash, warrants on general fund.....	\$544.76
Cash, warrants on Crounse memorial fund....	119.04
Cash, warrants on publication fund.....	121.80
Total disbursements .....	\$785.60
Balance in National Bank of Commerce per check herewith .....	\$1043.45
Checks outstanding .....	11.90

I submit herewith bank book duly balanced, together with vouchers and check to the Society for the balance on hand.  
Dated January 1, 1911.

.....  
*Treasurer.*

*S. L. Geisthardt, Treasurer,  
In Account with Nebraska State Historical Society.*

1910.

#### RECEIPTS.

Jan. 1 Balance per report, January 1, 1910.....	\$1493.90
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## TREASURER'S REPORT FOR 1910

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Mar. 1	E. J. Hainer, publication fund, donation.....	6.20
Mar. 1	Samuel A. Foster, publication fund, donation.....	6.20
Mar. 1	George A. Berlinghof, publication fund, donation.....	6.20
Mar. 30	Sale of trees from building site.....	3.00
Mar. 31	W. H. Ferguson, publication fund, donation.....	6.20
June 3	John Westover, refund on contract.....	50.00
June 3	City of Lincoln, water rent refund.....	4.95
June 3	J. W. Brewster, refund on reporting.....	3.50
Dec. 12	C. S. Paine, sec., waste paper sold.....	8.45
Dec. 12	C. S. Paine, sec., waste paper sold.....	1.50
Dec. 12	C. S. Paine, sec., telephone tolls collected.....	.95
Dec. 16	C. S. Paine, sec.....	100.00
	Received 69 annual membership fees @ \$2.00.....	138.00
Total receipts .....		\$1829.05

## DISBURSEMENTS.

		Warrant	
1910.		No.	
Feb. 1	Mrs. Paul F. Clark, refund fee.....	204T	\$ 2.00
Feb. 4	The Torch Press, "Crounse Fund".....	205T	11.95
Feb. 7	George Bros., printing, etc.....	206T	13.15
Feb. 16	Nat. B. Com. (C. P. Co.), "publication fund".....	208T	124.80
Feb. 16	Nat. B. Com. (C. P. Co.), printing.....	209T	17.75
Feb. 28	Cent. Nat. Bk. (C. F. Co.), Crounse Fund.....	210T	1.50
Mch. 5	City Nat. Bk. (W. P. & E. Co.), Crounse Fund.....	211T	13.00
Mch. 11	Cent. Nat. Bk. (C. F. Co.), Crounse Fund.....	214T	2.00
Mch. 12	Lincoln Book Store, Crounse Fund.....	212T	11.95
Mch. 15	Cent. Nat. Bk (C. W. T.), Crounse Fund.....	213T	6.08
Mch. 30	Prince Society, Crounse Fund.....	215T	10.50
Apr. 8	First Nat. Bk. (A. H. C.), Crounse Fund.....	216T	4.00
May 5	John W. Cady, Crounse Fund.....	217T	10.00
May 16	Lincoln Book Store, Crounse Fund.....	218T	3.15
May 26	Kotera & Co., stationery and die.....	219T	9.75
June 8	First Nat. Bk. (T. P. Co.), Crounse Fund.....	221T	10.00
June 29	C. W. Sawyer, Crounse Fund.....	220T	2.60
June 20	Minnie P. Knotts, exp., Iowa City.....	220T	22.16
June 22	Helen Byram, clerical work.....	223T	3.50
July 6	Katy Heinrich, extra labor.....	228T	6.50
July 8	Smith Premier T. Co., supplies.....	227T	5.50
July 11	First Nat. Bk. (A. H. K. & Co.), Crounse Fund.....	225T	12.00
July 12	Kotera & Co., stationery.....	226T	21.50
Aug. 1	Jacob North & Co., stationery.....	231T	9.00
Aug. 1	Neb. Telephone Co., telephone rent.....	232T	3.00
Aug. 1	Lin. Telephone Co., phone rent.....	230T	4.00
Aug. 1	Cent. Nat. Bk. (B. & B.), Crounse Fund.....	224T	2.14
Aug. 3	Globe Delivery Co., freight & drayage.....	235T	6.88
Aug. 4	Marshall Oil Co., sweeping compound.....	229T	3.50

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Aug. 5	Rudge & Guenzel Co., mdse.....	233T	2.25
Aug. 9	C. S. Paine, miscel. expense.....	234T	5.57
Sept. 12	C. S. Paine, miscel. expense.....	244T	18.92
Sept. 13	Nebr. Telephone Co., phone rent and toll.....	242T	3.35
Sept. 13	Lin. Telephone Co., phone rent.....	241T	9.50
Sept. 14	Harry Porter, supplies.....	238T	1.60
Sept. 15	Nat. B. Com. (G. D. Co.), freight and drayage.....	239T	2.25
Sept. 15	John Brabson, trimming trees .....	240T	6.00
Sept. 16	W. B. Clarke Co., Crounse Fund.....	243T	1.94
Oct. 10	Minnie P. Knotts (J. M. K.) mowing grass.....	246T	3.50
Oct. 12	Lin. Heat L. & P. Co., lights, 16th & H.....	237T	6.90
Oct. 17	C. S. Paine, various expenses.....	250T	23.90
Oct. 17	Minnie P. Knotts (L. H. L. & P. Co.), lights 16th & H .....	249T	3.15
Oct. 17	Minnie P. Knotts, exp. Clearwater.....	247T	9.98
Oct. 22	Neb. Telephone Co., rent and tolls.....	248T	4.80
Oct. 24	Lin. G. & E. L. Co. (M. H.), clerical work.....	245T	15.00
Oct. 24	Lin. Telephone Co., telephone rent.....	251T	7.00
Nov. 7	C. S. Paine, traveling expenses and postage.....	254T	7.70
Nov. 7	Mabel Hillier, clerical work.....	252T	24.50
Nov. 7	Lin. Heat & P. Co., lights 16th & H.....	259T	1.75
Nov. 7	Albert A. Keller, elec. fixtures.....	260T	2.98
Nov. 7	Lin. Telephone Co., exchange service and toll.....	253T	7.35
Nov. 8	Western Adv. Co., supplies for legislative dept.....	258T	19.65
Nov. 7	Nebr. Telephone Co., service and toll.....	257T	4.30
Nov. 7	Bertha Quiggle, clerical work.....	255T	18.50
Nov. 9	C. W. Bowen, Crounse Fund.....	256T	1.00
Nov. 9	C. W. Bowen, membership in Am. Hist. Assn.....	261T	3.00
Nov. 10	Katy Heinrich, extra labor.....	262T	7.20
Nov. 10	E. S. Wolfe, filling certificates .....	263T	5.20
Nov. 30	Mary Clarke, steno. services.....	264T	28.00
Dec. 6	Minnie P. Knotts (A. A. W.) steno. services.....	265T	20.00
Dec. 15	C. S. Paine, miscel. bills.....	273T	38.17
Dec. 15	Neb. Telephone Co., rent and tolls.....	272T	7.15
Dec. 15	Lin. Paper Co., twine.....	270T	4.50
Dec. 17	George Bros., blank letter heads.....	266T	3.00
Dec. 17	Globe Delivery Co., drayage.....	267T	7.50
Dec. 17	Kostka Glass & P. Co., glass.....	268T	1.70
Dec. 19	Lin. Telephone Co., rent & tolls.....	271T	14.70
Dec. 20	Torch Press, Crounse Fund.....	276T	5.73
Dec. 20	H. A. O'Leary, Crounse Fund.....	279T	4.76
Dec. 21	T. S. Kenderdine, Crounse Fund.....	275T	1.75
Dec. 23	Journal of Am. Hist., subscription.....	278T	3.00
Dec. 24	C. S. Paine, postage & traveling expenses.....	280T	33.05
Dec. 24	Alice E. Willis, steno. services.....	281T	30.00
Total disbursements .....			\$ 785.60
Balance in National Bank of Commerce.....			\$1043.45



The report was read and referred to the auditing committee. Under the head of miscellaneous business it was moved and carried that the order of business be changed and the meeting proceed to the election of officers for the ensuing year. It was further moved and carried that the rules of the Society be suspended and that the officers of 1910 be reëlected, and the ballot was so cast.

The officers elected were as follows: President, John L. Webster; secretary, Clarence S. Paine; treasurer, Stephen L. Geisthardt; first vice president, Robert Harvey; second vice president, Samuel C. Bassett.

Attention was called to a pending amendment to Article VI of the constitution relating to the board of directors. Upon request the secretary read the amended article as follows:

#### VI. BOARD OF DIRECTORS.

The board of directors shall be the governing body for this Society with power to manage, administer and control its affairs, including the disposition of its moneys and property. This board shall have power to appoint such employees as may be deemed necessary and to fix their powers, duties, and compensation, subject to the constitution and by-laws of the Society.

Such board of directors shall consist of the governor of the state, the chief justice of the supreme court, the attorney general, the chancellor of the State University, the head of the department of American history of the State University, the president of the Nebraska State Press Association, the president, the two vice presidents, the secretary, and the treasurer of the Society, and six members to be elected by the Society at its annual meeting, for a term of three years: Provided, that at the first annual meeting hereafter held, two members shall be elected for one year, two for two years, and two for three years, and thereafter two directors shall be elected annually to serve for three years.

Regular meetings of the board of directors shall be held on the first Tuesday after the second Monday in January, and quarterly thereafter during the year. At such meetings they

shall receive reports from the secretary and other officers, act on applications for membership, and transact such other business as shall to them seem for the Society's best interests.

Special meetings of the board may be called by the secretary on five days notice to each member, specifying the object of such special meeting.

Five members of the board shall constitute a quorum. The order of business at the board's meetings shall be the same as that of the Society's meetings as far as applicable. The board shall report through the secretary to the Society at its meetings, and the board of directors shall have power to fill any vacancies occurring in said board.

The amendment was adopted.

The President called for the election of six members of the board of directors provided for in the constitution; whereupon Chancellor Avery nominated J. E. Cobbey and Horace S. Wiggins for the three-year term; Dr. H. B. Lowry and W. M. Davidson for the two-year term; F. L. Haller and I. L. Albert for the one-year term, who were thereupon declared elected.

The secretary called attention to an amendment to article IV of the constitution relating to membership which had been introduced but under the rules of the Society must be laid over. The minutes of the previous meeting were read and approved.

A. J. Sawyer now read resolutions concerning the death of members of the Society which have occurred during the past year.

The secretary announced that a number of letters of regret had been received from members of the Society who were unable to be present, but on account of lack of time only one would be mentioned. This was from Mrs. Platt, of Oberlin, Ohio, who although in her 94th year never failed to write a communication for the annual meeting. She dates her residence in Nebraska from the year 1843.

THE PRESIDENT. This concludes our business meeting this morning.

The secretary reported that a list of forty-six names of persons who had applied for membership were awaiting action. Under instruction by a motion duly carried the secretary cast the ballot of the Society for the election of the persons named below:

Clarendon E. Adams.  
Mrs. Abbie A. Adams.  
David Clark Hilton.  
Richard H. Hagelin.  
Virgil R. Johnson.  
Neriah B. Kendall.  
John A. Maguire.  
Frank S. Perdin.  
Mary K. Ray.  
George F. Stolz.  
Franklin M. Tyrrell.  
Frank L. Wilmeth.  
Philip J. Harrison.  
Elmer E. Abbott.  
Nathaniel M. Ayers  
Arthur E. Anderson.  
John J. Andre.  
Warren Burkman.  
George W. Berge.  
Rosanna Carson.  
John S. Dillenbeck.  
Marshall A. Decamp.  
Alexander K. Goudy.

Oscar D. Herrick.  
Don L. Love.  
Charles M. Murdock.  
William L. Newby.  
Neils Ostergaard.  
Roscoe C. Ozman.  
Mrs. Helen M. Rowan.  
George E. N. Sanders.  
Niels P. Hansen.  
Albert A. Martin.  
Frank L. Woodward.  
Thys Broekema.  
John F. Cordeal.  
Darwin Daharsh.  
Charles W. Jester.  
John T. Weatherhog.  
Frank J. Richards.  
John W. Brewster.  
Mrs. Carrie H. Nye.  
William M. Davidson.  
Francis G. Hamer.  
Samuel H. Sedgwick.

#### EVENING SESSION.

The meeting held in the Temple Theater at eight o'clock in the evening was opened with two piano solos, *The Eagle* and *The Two Larks*, by Miss Frances Virginia Melton. Dr. Benjamin F. Shambaugh, president of the State Historical Society of Iowa and professor of political science in the University of Iowa, then delivered an address on *The History of the West and the Pio-*



neers.<sup>1</sup> Mr. James Mooney, of the Bureau of American Ethnology, spoke on *My Life Among the Indian Tribes of the Plains*<sup>2</sup> and gave some stereopticon views of Indians and Indian life, after which the meeting adjourned.

#### CONFERENCE OF LOCAL SOCIETIES.

A conference of local historical societies was held at the Temple Theater, January 11, at nine o'clock in the morning. Mortimer N. Kress responded for Adams county, Isaac Pollard and Louis A. Bates for Cass, Jonathan Edwards for Douglas, Robert Harvey for Howard, M. A. DeCamp for Antelope, Mrs. Kittie McGrew for Nemaha, and William P. Larsh for Lancaster.

#### ETHNOLOGICAL CONFERENCE.

Mr. Robert F. Gilder was the first on the program of an ethnological conference at the Temple Theater at half past ten in the morning and spoke on the subject,

#### EASTERN NEBRASKA AS AN ARCHEOLOGICAL FIELD.

Important discoveries of a hitherto unknown culture have been made in Washington, Douglas, Sarpy, Cass, Nemaha and Richardson counties, all of which border on the Missouri river, and it would not be out of place to prophesy still greater discoveries in the future by anthropologists who follow.

When I was a boy, "way back east," I often heard the term "buffalo wallow" applied to circular holes in the prairie where bison bulls would on occasion plow

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<sup>1</sup> This address is printed in *Proceedings of the State Historical Society of Wisconsin*, 1910.

<sup>2</sup> Mr. Mooney's address is printed in *Collections of the Nebraska State Historical Society*, volume XVII.

around on their foreparts, dig up the dirt and mud and carry away portions entangled in their long mane and hair, and in this way scoop out a saucer-shaped hole. That was the way I heard it before reaching the Missouri river. But nowadays these so-called buffalo wallows are known for what they really are—ruins of the homes of a people who inhabited Nebraska before the arrival of the Indians found here by early white explorers.

Old-timers in Nebraska do not take kindly to the house ruin idea, and occasionally one will be found who will testify to the fact, or near fact, that he has personally seen buffaloes making these same wallows. Once, when working in a "buffalo wallow" house ruin, an old and long-haired man approached and told me that it was useless for me to dig so hard in such a place, and he vouched the information that he had personally seen a buffalo making that particular wallow. When I extracted an assortment of stone, bone and antler implements and pieces of pottery the elderly party eyed them and me for a time and then suggested that it was easy for me to have buried the things there.

Archeological research has determined that in the counties named lying north of the Platte river four, and possibly five, different peoples, up to and including the present day Indian, resided in Nebraska for a greater or lesser period. Crania discovered indicate that these were distinctive types, descending from the Nebraska Loess Man in cranial development. In the scale prepared by Dr. C. W. M. Poynter, at the head of the department of anatomy, University of Nebraska medical college, after a study of the various types included in the state museum collection, the ancient semi-subterranean housebuilder comes second. Then follows an unknown type of long heads found in Washington county south of

Blair. Following the Blair type is that from the Wallace mound in Sarpy county showing a roundheaded people, supposed to be invaders from the south; and following them came the Siouan tribes now living in Nebraska of which the Omaha are a unit.

Interest outside of Nebraska's primitive people known as loess men centers largely in the semi-underground house people, who erected more of a cave than a house and shaped their residences not unlike the ground plan of many houses of today—rectangular. These housebuilders were certainly far advanced toward civilization, judging from the various articles left behind which were used in domestic life and war. They were potters of the very first rank, and although whole pots are rare, there were many sizes and many contours in use by them. In my possession today are over 130 different designs and shapes, many of which would be creditable as the work of a modern potter.

The houses of Nebraska's early people were longer north and south. Their entrances were exactly opposite the north star and entered the dwelling in a sort of tunnel sometimes fifty feet long. They were built only upon the highest river bluffs and were usually four to five feet below the surface and rectangular, which indicated that a gable roof was used. Some of them were roofed with poles overlaid with grass and earth from the excavation, while in others no signs of roof are visible, and the conclusion is that they were roofed with bark or some sort of thatch. In certain places inside the house, pits or hiding places were dug beneath the packed dirt floor, in shape not unlike an inverted funnel, some of them of the size of a barrel and others of a hogshead. In these pits or "caches" were placed various articles of value, a score of which were made of bone tempered



by fire and bearing a high polish. Sculptured heads of stone; heads and images modeled from clay and burned; finely made pots; wonderfully symmetrical stone arrow-heads; four-bladed stone knives; hafted spoons cut from polished unio shells; clay and stone pipes; bone hoes formed from scapula of large quadrupeds; spearheads of stone, clay, shell, bone and stone beads; plaited hair rope and cords of twisted fiber; mortars and upper millstones; mineral and hematite paint and paint mills; combs made of elk antlers; bone fishhooks; bone needles with and without an eye; and a score of miscellaneous implements non-specialized, the uses of which are unknown.

In the manufacture of implements the housebuilder was a skilled mechanic and artist. Drawings made with a bone point on the sides and rims of pots before baking show artistic skill and much merit, and it is hard to conceive that these early Nebraskans practiced cannibalism on a considerable scale. But this fact has been entirely proven, not only to the author, but to authorities to whom the facts leading to the belief have been submitted.

The meeting then adjourned.

#### NEBRASKA TERRITORIAL PIONEERS ASSOCIATION.

A joint session of the Nebraska State Historical Society and the Nebraska Territorial Pioneers Association took place in the Temple Theater at two o'clock in the afternoon.

Mr. A. P. Kempton called the meeting to order and introduced Mr. James Mooney who spoke on *The Indian Woman*. (Mr. Mooney's address appears in *Collections of the Nebraska State Historical Society*, volume XVII, page 95.)

At the conclusion of Mr. Mooney's address Mr. Kempton introduced Mrs. Kittie McGrew who read a paper on The Women of Territorial Nebraska.

Mrs. Winona S. Sawyer now read a paper entitled Women's Work in Nebraska.

Miss Melton played a piano solo which was followed by a story hour for the public school children who filled the Temple auditorium. Mrs. Minnie P. Knotts, librarian of the Historical Society, told two Nebraska history stories, after which the meeting adjourned until eight o'clock in the evening.

The evening meeting was called to order by Robert Harvey, first vice president, who announced that Captain James H. Cook, who was to read a paper, was unable to be present, but the paper would be read by his son, Harold J. Cook:

#### TRAILING TEXAS LONG-HORN CATTLE THROUGH NEBRASKA.

In the year 1876, I helped to drive a herd of about 25,000 Texas steers from a point on the Nueces River, in Texas, to what was then known as the Whetstone Bottom on the Missouri river in Nebraska. These cattle had been purchased by men who had contracted with the Department of the Interior to supply a number of our Indian agencies with beef. The herd, composed entirely of strong cattle, made good time and led the drive of that season from southern Texas. This was the first great herd of cattle driven through western Nebraska into Dakota.

Our experience in getting as far as the North Platte River in western Nebraska was common to those who "drove the trail" in those days: high water, stormy weather, stampedes of both cattle and saddle horses, hunger at times and great thirst, as well as a few other dis-

comforts which aided the cowboy in rounding out his full measure of whatever he might chose to call it, misery or joy.

We crossed both forks of the Platte river a few miles east of the town of Ogallala; and then our course was to Birdwood creek; to the head waters of the Dismal and Loup rivers; and on northward through the great chain of shifting sand-hills that are now so well known.

There were ten of us, including our trail boss, Mr. Mack Stewart, and the cook. In addition to our regular crew we had a guide by the name of Aaron Barker, who had been employed at North Platte City. This guide probably knew western Nebraska as well as any man living in those days, having been associated with the Sioux Indians in that part of the country for years. I have been told that he and a few companions engaged in handling Sioux ponies at the expense of their real owners.

We passed through the sand-hill country at the season when the sand cherries were at their best, as were the blossoms on the soapweeds; and since the cattle seemed to have found something that pleased their palates as well as the cherries did ours, it looked to me, at one time, as though we would never all get together again. This was my first experience with sand cherries, and it left a pleasant impression on my memory.<sup>1</sup>

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<sup>1</sup> The sand-hill region of Nebraska comprises upwards of 18,000 square miles—not quite a fourth of the entire area of the state. Its boundary runs, somewhat irregularly and indefinitely, westerly from a point in the southwestern corner of Antelope county to and along the north boundary of Wheeler nearly to its western end; continuing northwesterly to a point on the Niobrara River at the middle of Brown county and following the river to a point near the western line of Sheridan county; thence southwesterly, crossing the southeastern corner of Box Butte; thence nearly southeasterly across Morrill county to the North Platte River and along or near the river into the northwestern corner of Dawson; thence northwesterly nearly to the center of



Driving on north from the headwaters of the north fork of the Loup river, our guide took us to one of the sand-hill lakes, then unnamed. Here occurred an incident worth mentioning. The weather was very warm, and we had a long drive without water before we arrived at the lake. The cattle scented the water long before we reached it, since the direction of the wind was favorable, and they strung out for it at a trot. We tried to hold the leaders back, but when they came within about

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Logan; thence northeasterly across the northwestern corner of Custer to the southeastern corner of Blaine; thence easterly to a point on the western line of Boone at the southeastern corner of Wheeler; thence northeasterly to the place of beginning. The region comprises the southwestern corner of Antelope county and a smaller area in the northwestern corner of Boone; about one-fifth of Holt county—the southwestern part; all of Rock except about one-fourth, on the north; all of Brown except the not very extensive northeastern corner; all of Cherry except some small areas north of the Niobrara; the part of Sheridan—about a half—which lies south of the Niobrara and east of the Box Butte rivers; a small area in the southeastern corner of Box Butte, and a considerable area in southern Sioux; about two-fifths of Morrill—the northeastern corner; about three-fourths of Garden—on the north; all of Grant, Hooker, Thomas, Blaine, Loup, Garfield, Wheeler, Arthur, and McPherson; all of Logan except the southeastern corner; a projection into northeastern Valley and northwestern Greeley; a considerable area in the northwestern corner of Custer and a lesser in the southwestern corner; the northwestern corner of Dawson; the greater part of Keith—about two-fifths—lying north of the Platte; about two-thirds of Lincoln—a segment north of the Platte River and another in the southwest; a considerable part of southeastern Perkins and a lesser part of northeastern Chase and northwestern Hayes. A distinct section covers the western half of Dundy county and the small corner of southwestern Chase.

The designation or limitation of the sand-hill section of Nebraska is governed by the distinctive character of its plant life—that part not adapted to the production of agricultural crops, though within its area there are many pockets or depressions and valleys of principal streams where the soil is fertile in the ordinary sense of the word. Sand-hills, which are constantly shifting through the action of the wind, are common in this section. The sandy land outside this distinctive area is more or less fit for cultivation.

The sand cherries common to this region grow on spreading

half a mile of the water they split into bunches and, in spite of our efforts, rushed madly into the lake. About a hundred head were mired down before we could crowd those following to a place where the mud and gumbo were not so deep.

At that time, and probably for centuries before, the lakes in the sand-hills of Nebraska were breeding places for all sorts of wild fowl. Upon our arrival, countless flocks of wild geese, ducks, pelicans, swans and many other varieties of waterfowl hovered over and flew about us, no doubt greatly surprised by our abrupt intrusion.

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shrubs, varying in size according to their relatively advantageous situation. The cherry is somewhat smaller than the orchard cherry. It resembles the chokecherry in color, though somewhat darker; in its astringent taste; and in "puckering" the mouth. When fully ripe it is pleasant to the taste, notwithstanding the dictum of long-distance authority that it is scarcely edible, and is used locally for making jam and marmalade. This sand-hill shrub was named *Prunus besseyi*, for Charles E. Bessey, the distinguished botanist, though he himself doubted that it should be regarded as a different species from the *Prunus pumila* of the sand district in the region of the Great Lakes.

Soapweed, more properly yucca, is so-called because it yields a substance sometimes used as a substitute for soap. The root of the Nebraska species, *Yucca Glauca*, was used by the Oglala, and probably other trans-Missouri Indians, as a shampoo. They believed that it stimulated the growth of the hair. A decoction of the roots was used in tanning hides also, and the leaves for fuel.

While the sand-hill region is sparsely settled, the population of its typical counties ranging from about 1500 to about 2500, its production of cattle and dairying are very important industries. There was a heavy loss of population from 1900 to 1902; a heavy gain from 1902 to 1904, doubtless due mainly to the so-called Kinkaid act, passed April 28, 1904, which conferred the right to homestead 640 acres in the territory it covered instead of only 160; a considerable loss again from 1904 to 1906; then an important increase from 1906 to 1908; a small loss from 1908 to 1910; a general increase from 1910 to 1912; and a small general increase from 1912 to 1914. The territory to be affected by the Kinkaid act was evidently determined with reference to the sand-hill region and the degree of aridity. Thus on the northeast this favored land extends to the eastern boundary of the counties of Boyd, Holt, and Wheeler, while in the southwest the eastern boundary of the counties of Hayes and Hitchcock is its eastern limit.—ED.

The task that confronted us before we could get anything in the line of supper was to save the cattle that had mired. This proved to be quite a job, as we got our saddle horses mired in the attempt to get near enough to the cattle to throw ropes over their horns so that we could pull them out. As some of the best cattle in the herd were in the mire, we had to get them out and save them if such a thing was possible. Fortunately there was a clump of willows growing at one side of the lake, and we cut some of these, tied them into bundles and used them to make a sort of corduroy road to some of the cattle farthest from the shore, so that our horses or work oxen could get a footing to pull from. Every one of the cattle that we would pull out of the mire was ready to fight the whole of mankind the moment he could stand on his feet. One of our party had his horse badly gored because he thought it could outstart and outrun any steer.

Something frightened the cattle that night, along in the small hours, and our neighbors, the wild fowl, must have wondered at the thundering sound of hoofs and clashing horns and lesser noises, such as the yells of the herders, as we would crowd and swing the "point," or leaders, of the stampede back into the rapidly following mass, or would sing strains of the old Texas lullaby to them, when we gained control, and had them either "milling" around and around in a compact bunch, or standing, trembling and alert, ready for another wild rush at the slightest unusual scent or sound.

When we crossed to the north side of the Platte River we knew that we were in a country which was claimed by the Dakota Indians both by birth and treaty rights. Many bands of Dakota and Cheyenne Indians were very much opposed to the invasion of the Black Hills country by the white gold seekers. A bridge just



completed across the Platte River had opened a great highway for the transportation of supplies and mail to the miners, and enabled thousands of adventurers to enter the land where they seemed to think a fortune could be obtained by picking up gold with little labor or expense.

Most of our outfit of cowboys having had experience in trailing herds through country infested with Indians who denied the right of white men to travel through or make roads across their hunting ground, each went armed with a heavy revolver and knife. Few carried rifles, because the added weight of a gun on one side of a horse caused saddle galls, to avoid which on an eighteen hundred mile trip was very important; for a horse tortured with bad saddle sores cannot thrive, and much hinged on the condition of the saddle horses in handling these immense herds of wild cattle.

On this trip it happened that I was the only one in the outfit who owned a rifle, and it was hauled in the wagon except on occasions when we needed a little game for a change of diet. There were plenty of elks, deer and antelopes then. We saw but few Indians, and these did not come up near us while we were driving the cattle to their destination, but on our return trip to the Platte River we found some.

We left the guide and wagon when the cattle were delivered to the contractors and used pack ponies on the return trip, "flying light," as the boys called it. Arriving at the Niobrara one day about noon, we camped for dinner on the northern bank. At this point and season the river was about fifty yards wide and about four feet deep, with a very swift current and plenty of quicksand. About the time our coffee and bacon were ready, an Indian rode into full view on top of the bluffs that skirted

the river valley, about half a mile distant. We saw him signaling with both horse and blanket, and in a very few minutes the bluffs for half a mile up and down the river were occupied by mounted Indians. This was interesting, but it became more so when they swarmed down from the bluffs and charged for our camp, a yelling, screeching line, beautifully painted and nearly naked. Some had rifles and pistols, but the greater part were armed with bows and arrows.

Most of our little band, I think, felt that our time on earth would soon be ended, but as the Indians did not shoot, no one in our camp "pulled a gun." They were all riding bareback and made an impressive picture. Their impetuous rush soon brought them upon us, and they formed a complete circle about us. One old warrior with a badly scarred face dashed up almost to my feet and pulled his horse to a sudden stop. Trying to look greatly pleased to meet him, I said, in as strong and cheerful a voice as I could command,

"How! my friend."

He jumped from his horse and looked at me for a few minutes. I then said to him in the Dakota tongue,

"I look at you. My heart is glad to see my friends."

He stepped toward me and said,

"What is your Dakota name?"

I told him the name given me by the old chiefs of his people: such men as Red Cloud, American Horse, Little Wound, and Young Man Afraid of His Horses were friends of mine at that time. He then wanted to know where we came from and where we were going. I told him that we had just driven a herd of cattle to the Indians upon the Missouri river and were now on our way back to the Platte river to take a herd of cattle to the Red Cloud agency on the White River. I then said to him,

“My Dakota friends have bad hearts, but they must not kill the cowboys who bring the cattle that the Great Father sends to them or the soldiers will come in great numbers, with many big guns, and wipe out the Sioux nation.”

He then said that his people were hungry. I told him that we had but little food and that we would be hungry before we could get to the Shell River (North Platte).

Our talk probably did not take up the amount of time it has taken me to write this account of it, but it was very interesting, to me, at least. Springing onto his pony, the old warrior called out to all his people who I was, what our party was doing in the country, and what I had said to him. Yells of “Ho! Ho!” came back to him from every direction. Packing our camp outfit onto our ponies, we started in to round up our saddle horses and drive them across the river, the entire band of Indians helping us. Their mood had changed, and there were many “Hows” exchanged, as we parted on the south side of the Niobrara. I have always felt that if ever I had a close call to being used as a pincushion, with arrows in the place of pins, that was the time, and I think there were those about me that felt nearly as weak as I did after the ordeal was over.

I think my efforts in picking up a little knowledge of the Dakota speech and sign language saved my scalp on that occasion, and perhaps those of the entire party, as there must have been at least three hundred Indians in the bunch that swooped down upon us so unceremoniously.

In connection with this incident of my life I want to illustrate the fact that in almost all parties of men there are some that have very short memories, and for-



get to be grateful for mercies received. After we had left the Indians who had so kindly helped us across the river we "made tracks" pretty fast toward the Union Pacific railroad. I was riding with one of my companions ahead of our band of saddle horses, leading the way. We approached the top of a steep sand-hill that lay in our course when we suddenly came upon two old Sioux warriors, leading two tired ponies loaded with carcasses of antelopes. These Indians were taken by surprise at our sudden appearance, but they put on a brave front and made signs of being greatly pleased at meeting us. They wanted to shake hands all around and say "How! How!" as fast as possible. One of our party troubled with a short memory drew a pistol and said, "Let's kill these two old devils anyway." He was quickly persuaded by the rest of our party not to do such a rash thing as to take advantage of these Indians who were at our mercy after our having, only by the mercy of God, been allowed to escape from their tribesmen and relatives.

Those days are long since past, and when the last of the old Sioux warriors have visited me in my home each year, I have often told them of the awful scare they gave me on the banks of the river upon which I have made my home for so many years. We can all laugh over it now as a good joke on me, but at the time it seemed to me to be about as serious a proposition as had ever come my way.

After Captain Cook's paper the chairman introduced James Mooney of the Department of American Ethnology, who gave an address on Systematic Nebraska Ethnologic Investigation.<sup>1</sup>

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<sup>1</sup> Mr. Mooney's address is printed in *Collections of Nebraska State Historical Society*, volume XVII, page 103.

Following Mr. Mooney's address Vice President Harvey introduced Mr. Edgar R. Harlan, curator of the Historical Department of Iowa, who gave an illustrated lecture on Influence of Visualized Ideas, during which he presented views of the building of the Historical Department of Iowa and of the collections housed therein.

The meeting adjourned sine die.

CALL FOR SPECIAL MEETING.

LINCOLN, NEB., April 15, 1911.

Dear Sir:

There will be a special meeting of the board of directors of the Nebraska State Historical Society at the rooms of the Society, April 20, 1911, at 9:00 A. M. for the consideration of the budget for the ensuing year, the election of employees and routine matters of administration.

Your presence is earnestly desired.

Yours very truly,

CLARENCE S. PAINE, *Secretary*.

The special meeting was held at the appointed time and place, present, John L. Webster, presiding, Chancellor Samuel Avery, Dr. H. B. Lowry, Horace S. Wiggins, and the secretary.

On motion of Chancellor Avery, seconded by Dr. Lowry, the reading of the minutes of previous meetings was waived.

The secretary then presented his quarterly report, which included the following statement of the appropriations for the benefit of the State Historical Society as passed by the legislature of 1911.

STATE HISTORICAL SOCIETY.

Salaries for the biennium.....\$10,920

## 270 NEBRASKA STATE HISTORICAL SOCIETY

Itemized as follows:

	Per Annum	For Biennium
Secretary .....	\$1,500	\$3,000
Historian .....	1,500	3,000
Librarian .....	960	1,920
Supt. Newspaper and Archives Dep't. ....	900	1,800
Stenographer .....	600	1,200
Estimate for current expenses.....		2,800

Itemized for the guidance of  
the legislature but which will  
not prevent any part being  
available for other items here-  
in enumerated as follows:

Postage for the biennium.....	320
Express .....	200
Draying .....	175
Telephone and telegraph.....	200
Traveling expenses .....	300
Extra labor .....	200
Books purchased .....	300
Printing .....	425
Binding books .....	15
Photography .....	150
Stationery and office supplies .....	225
Furniture and fixtures .....	100
Miscellaneous expense .....	190

Total current expense.....\$2,800

For binding newspapers donated by Nebraska editors, for the biennium.....	1,000
For printing volumes 3 and 4 of the debates and proceedings of Nebraska Constitution- al Conventions, and one volume of histori- cal collections of original material.....	3,000
Total for the biennium.....	17,720
For paying taxes chargeable to Historical So- ciety building site at corner of Sixteenth and J Streets, Lincoln, Nebraska.....	2,000

The resignation of Mr. W. E. Hannan, superintend-  
ent of the newspaper department, to take effect April 1,



1911, was received. On motion of the secretary, seconded by Mr. Wiggins, it was accepted.

The secretary reported that he had employed Mr. Melvin R. Gilmore as superintendent of the newspaper department and curator of the museum, at a salary of \$900 a year from April 1, 1911, subject to the approval of the board.

Endorsements of Professor Gilmore from James Mooney, ethnologist, Frederick V. Coville, botanist, and Dr. Charles E. Bessey were read.

The secretary moved that Mr. Gilmore be employed as superintendent of the newspaper department and to serve as curator of the museum. Seconded and carried.

Chancellor Avery moved that the following persons be employed to date from April 1, 1911, at the salary named.

Albert Watkins, historian.....	\$1500
Minnie P. Knotts, librarian .....	960
Nelle Phillips, stenographer .....	600

Motion seconded and carried.

It was moved by Mr. Wiggins that the secretary be authorized to employ an assistant to look after the handling of the newspapers and do such other work as the secretary may direct, such person to be paid from the funds in the hands of the treasurer of the Society.

On motion of Chancellor Avery the secretary was authorized to procure reprints of the addresses of President Webster and Mr. Albert Watkins, which appeared in Volume 3 of the Proceedings of the Mississippi Valley Historical Association, 500 copies of each to be secured at a cost of \$54.

On motion of Chancellor Avery the president and secretary were authorized to draw warrants for the pay-

## 272 NEBRASKA STATE HISTORICAL SOCIETY

ment of paving taxes assessed against Lots 5, 6, 7, 8, and 9, block 124, city of Lincoln.

The Secretary then read the following letter from Hon. S. C. Bassett.

GIBBON, NEBRASKA, April 17, 1911.

MR. C. S. PAINE, *Secretary,*  
*Lincoln, Nebraska.*

DEAR MR. PAINE:

In reply to your favor of April 15 I regret to say that I can not conveniently be at the meeting of the Executive Board on the twenty-ninth instant.

I am also in receipt of a circular letter under date of April 11, requesting "That members should contribute at least \$2 per year to be used toward defraying the necessary expenses of the Society." On reflection I am of the opinion that this action is not wise on the part of the governing body of the Society. Only a comparatively small per cent of the members will pay this assessment of \$2 per year; when members joined the understanding was that the life membership fee was \$2, with no additional fees or assessments. In the "fight" against the appropriation for support of the Society, in the House, at the late session, the criticism was made (and with some justice) that while the state appropriated money for the support of the Society an attempt was now being made by those who "run things" to tax the members \$2 a year while the rules of the Society did not provide for annual dues or assessments. Some of the best friends the Society had in the House came to the writer for an explanation in regard to this charge (the \$2 per annum extra).

Please convey to the members of the board of directors present my sincere regret that I can not conveniently be in attendance at this meeting. I desire to be of use to the Society, and I also should greatly enjoy meeting my friends.

Very sincerely yours,  
S. C. BASSETT.

This was followed by an informal discussion of the subject of membership dues after which the board declined to recede from its former position.

The following communication from Hon. C. H. Morrill was then presented.

LINCOLN, NEBRASKA, February 14, 1911.

MR. C. S. PAINE, *Secretary State Historical Society,*  
*City.*

MY DEAR MR. PAINE:

I am just in receipt of a letter of February 10, in regard to the appropriation for the completion of the new historical building.

During the winter, I have interviewed several members of the legislature in behalf of the appropriation and those that I have interviewed are favorable. Of course, you understand, when the appropriations are all summed up, the totals are always large and at that time the party leaders generally think it necessary to cut down the appropriations.

In regard to the collection that I had at my home, I have placed a large portion of it in the University museum as a loan. I didn't have any convenient place for it at home and under the present conditions, of course, it would be folly to turn the collection over to the Historical Society.

Trusting that you may be able to secure the appropriation, I remain,

Yours very truly,  
C. H. MORRILL.

P. S. If an appropriation is not made for the new building, it seems to me best that I remove the collection that I now have with the State Historical Society. Under the present conditions, it is doing no good to anyone. Please advise me what you think about it.

C. H. M.

LMB.

On motion the following resolution was adopted.

*Resolved*, That the Nebraska State Historical Society express the wish and the hope that Mr. C. H. Morrill will permit his collection now in the possession of the Society to remain in its museum, and assure him that at the next session of the legislature we will renew all possible efforts to obtain an appropriation sufficient to construct a building suitable to properly display all articles in the museum and have them suitably exhibited for the benefit of the public, and trust that he will coöperate with us in this general work to the end that ultimately the State Historical Society will attain to the important position to which we think it is entitled.

It was moved, seconded and carried that the secre-



tary be instructed to forward a copy of this resolution to Mr. Morrill.

On motion of Chancellor Avery the secretary was authorized to consult with the president, and to do what they deemed necessary and proper in the work of the Oregon Trail Memorial Commission.

On motion, duly seconded and carried, the secretary was instructed to have bound all accumulated newspapers.

On the motion of Mr. Wiggins, duly carried, the secretary was instructed to complete the publication of volume III of *Nebraska Constitutional Conventions*, and to follow with the publication of a miscellaneous volume of collections, compiled from material on hand.

On the recommendation of the secretary, the historian of the Society was authorized to write a monograph on the Oregon Trail, the same to be sold for the benefit of the fund to be used in marking the Oregon Trail.

The persons named below were then proposed for active membership.

Thys Brockeman, Hickman,	Peter Campbell, Wahoo,
Hon. John F. Cordeal, McCook,	W. W. James, Shubert,
Darwin Darhash, Hickman,	Charles W. Jester, Bethany,
Hon. Edward H. Dort, Auburn,	Dr. Lawrence B. Pilsbury,
Charles J. Dawson, Diller,	Lincoln,
Hon. George W. Fuller, Seward,	Frank J. Richards, Lincoln,
Hon. Felix L. Gallagher,	Ode E. Rector, Lincoln,
Rosalie,	John P. Sutton, Lincoln,
Charles H. Hathaway, Lincoln,	John T. Weatherhogg, Hick-
William T. Irons, Lincoln,	man.
Hon. A. D. Barelay, Book-	
walter,	

On motion of Chancellor Avery the secretary was instructed to cast the ballot of the members of the board

present for the election to membership of the names just read.

On motion of Chancellor Avery the meeting adjourned.

CLARENCE S. PAINE, *Secretary*.

#### MEETING OF BOARD OF DIRECTORS.

A meeting of the board of directors of the Nebraska State Historical Society was held at the office of the Society, in Lincoln, Nebraska, July 19, 1911, at two o'clock in the afternoon, present, John L. Webster, president, presiding, S. L. Geisthardt, Samuel C. Bassett, Dr. H. B. Lowry, Robert Harvey, Horace S. Wiggins, Dr. William M. Davidson, and the secretary.

It was moved and seconded that the reading of the minutes of the last meeting and the secretary's report be dispensed with. Carried.

President Webster recommended the adoption of an official badge for the Society and briefly stated his reasons therefor. A proposition for furnishing such badges was submitted by the Whitehead-Hoag Company.

It was moved by Mr. Geisthardt that the secretary be authorized to order 100 of the membership badges at the price of \$1.20 each, and such number of officers' badges and of such quality as the individual members of the board might desire. The motion was seconded and carried.

The secretary reported that the Nebraska State Press Association had named Albert Watkins, historian of the Society, as editor of a History of the Nebraska Press. The secretary recommended that the proposition of the Nebraska State Press Association be accepted and that Mr. Watkins be permitted, as a part of his work, to write a History of the Nebraska Press, the same to be

published and sold by the Nebraska State Press Association at cost.

It was moved by Mr. Wiggins that the recommendation of the secretary be concurred in and that Mr. Watkins be authorized to write a history of the Nebraska press as a part of his duties as the historian of the Society. Seconded and carried.

It was moved by Dr. Lowry that correspondence be opened with the authorities of the Mormon Church at Salt Lake City, concerning the preservation of the Mormon cemetery at Florence and the erection of a monument at Florence to mark the Mormon trail. Seconded and carried.

On the recommendation of Mr. Harvey, chairman of the committee on historic sites, an appropriation of ten dollars was made toward the erection of a monument at the Lamin grave on the Oregon trail twelve miles east of Bridgeport, Nebraska, provided the people of that neighborhood should raise twenty-five dollars.

It was moved and seconded that the president be requested to write a letter to Mr. Charles F. Gunther, of Chicago, expressing the appreciation of the Society for the gift of a framed oil painting entitled The Passing of the Buffalo.

Dr. William M. Davidson presented his resignation as a member of the board of directors as follows.

On account of the fact that I will remove to the city of Washington on the first day of the coming August to take up my duties there as superintendent of schools of the district of Columbia, I hereby tender my resignation as a member of the board of directors of the Nebraska State Historical Society.

William M. Davidson.

It was moved by the secretary that the resignation of Dr. Davidson be accepted with regret and that he be



assured that the good wishes of the board and of the Society would go with him to his new home.

The following named persons were on motion elected to active membership.

Monmouth Broderick, Fairfield,	Louise W. Mears, Auburn,
George Cross, Fairbury,	James B. McGrew, Bloom-
George W. Holdrege, Omaha,	ington,
Mrs. Deborah King, Lincoln,	Benjamin F. Scroggin, Oak,
George D. Leach, Lincoln,	Fern L. Hardin Upton,
A. L. Mohler, Omaha,	Lincoln.
Louisa Elizabeth Moyer,	
Lincoln,	

On motion of the secretary, seconded and carried, the following were elected honorary members of the Society: Mr. Charles F. Gunther, Chicago, and Dr. William M. Davidson, Washington, D. C.

On recommendation of the president, the secretary was directed to proceed to have the material collected and arranged for a volume of miscellaneous collections.

The board on motion adjourned.

CLARENCE S. PAINE, *Secretary*.

#### THIRTY-FOURTH ANNUAL MEETING.

The thirty-fourth annual meeting of the Nebraska State Historical Society was held at Lincoln, Nebraska, January 8, 9, 10, 1912. The meeting began Monday, January 8, with an informal reception to members and friends of the Society and the Nebraska Territorial Pioneers Association, from two o'clock to five o'clock in the afternoon, at the rooms of the Historical Society.

The first formal session was held at the Temple Theater, Monday evening, January 8, President John L. Webster presiding. The program comprised an instrumental number by the University Place High School orchestra; a paper entitled A Tragedy of the Oregon Trail, by George W. Hansen of Fairbury, Neb.; a paper, In-

fluence of Overland Travel on the Settlement of Nebraska, by Harry G. Taylor of Central City, Neb.;<sup>1</sup> a number by the University Place High School chorus; an illustrated lecture on The Oregon Trail in 1911, by Rev. E. J. Ulmer, of Alexandria, Neb.; and an address by Francis La Flesche from the Bureau of American Ethnology.

Tuesday forenoon, January 9, was devoted to a meeting of the Nebraska Territorial Pioneers Association.

The annual business meeting of the Society was held at two o'clock in the afternoon. After an address by President Webster the secretary read his annual report for the year 1911.

The report presented by Mr. S. L. Geisthardt, treasurer of the Society, showing total receipts for the year of \$1681.60 and disbursements of \$1408.99, leaving a balance on hand of \$272.61, was referred to Mr. H. S. Wiggins, public accountant, for audit.

Under the head of miscellaneous business certain proposed amendments to Article V of the constitution were taken from the table, read, and, on motion, unanimously adopted.<sup>2</sup>

A resolution offered by Mr. Robert Harvey commending the heroic conduct of Emma Cooper, now Mrs. Goebel, during the disastrous storm of 1873, in which the mother and sister of Mrs. Goebel lost their lives in Howard county, was unanimously adopted.

On motion of Mr. Andrew J. Sawyer, the rules were suspended and the secretary was instructed to cast the ballot of the Society for the reelection of the present officers. The ballot having been cast, the following officers were declared elected: president, John L. Webster;

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<sup>1</sup> The papers of Messrs. Hansen and Taylor are printed in volume XVII Collections Nebraska State Historical Society.

<sup>2</sup> These amendments were presented at the annual meeting of 1908. See page 17, this volume.

first vice president, Robert Harvey; second vice president, Samuel C. Bassett; secretary, Clarence S. Paine; treasurer, Stephen L. Geisthardt.

Mr. George W. Hansen, of Fairbury, and Mr. Frank L. Haller, of Omaha, were then elected directors of the Society for a term of three years; Charles B. Letton for the unexpired term of Joseph E. Cobbey; Frank M. Currie, of Broken Bow, was elected for one year, the unexpired term of Professor William M. Davidson, resigned.

At the close of the afternoon program on Tuesday, Governor, and Mrs. Aldrich gave a reception to members of the Historical Society and affiliated associations.

At half past six o'clock in the evening members and friends of the Society participated in a banquet at the Lincoln Hotel.

At a conference of local historical societies and old settlers associations in the Temple Theatre, Wednesday forenoon, reports and addresses were made by Mr. A. J. Leach, of Antelope county; Mr. Robert Harvey, Howard county; Mr. Vail, Lancaster county; Charles J. Dawson, Jefferson county; John L. Webster, Douglas county; Samuel C. Bassett, Buffalo county. Mr. Bassett also reported for the Valley county Old Settlers Association. A written report from Mr. John J. Lett, president of the Old Settlers Association of York county, was presented. Reports were received from Nemaha county and Boone county.

At the conclusion of this session, a meeting of the Nebraska Memorial Association was held at eleven o'clock.

At half past two o'clock in the afternoon there was a joint session of the Nebraska State Historical Society and the Nebraska Memorial Association at the Temple Theater, John L. Webster presiding.



Mr. A. Vine Pease, of Fairbury, read a paper, David A. Pease, Forty-niner, which was followed with a paper by Mrs. Charles Oliver Norton; Mr. Charles J. Dawson, of Fairbury, told of the Wild Bill McCandless tragedy; Mr. Robert Harvey reviewed the story of the memorable Easter storm of 1873, and Mrs. Emma Cooper Goebel, a survivor of that storm, spoke briefly. Rev. Dennis G. Fitzgerald, of Red Cloud, read a paper entitled, The Semi-precious Stones of Webster, Nuckolls and Franklin Counties, Nebraska; and Francis La Flesche gave a brief address.

The closing session of the meeting was held at the Temple Theater at 7:45 Wednesday evening, Mr. Robert Harvey presiding. Mr. John F. Cordeal, of McCook, presented a Historical Sketch of Southwestern Nebraska; <sup>3</sup> Mr. Francis La Flesche talked on Indian geographical names, and the session was concluded with an illustrated lecture, Dr. Whitman's Work on the Oregon Trail, by Mr. William J. Leverett, of Council Bluffs, Iowa, assisted by Mrs. Leverett.

#### SECRETARY'S REPORT.

The secretary deprecated that the legislature had specified employees and their salaries in the appropriation for the maintenance of the Society.

Among the principal donors to the library for the year were, General Grenville M. Dodge, Council Bluffs; Mr. Charles F. Gunther, of Chicago; Deborah Avery Chapter Daughters of the American Revolution; Nebraska Territorial Pioneers Association; Messrs. N. G. Flagg, Luther A. Brewer, George W. Hansen, F. I. Herriott,

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<sup>3</sup> This paper and that by Rev. Dennis G. Fitzgerald are printed in Collections of the Nebraska State Historical Society, volume XVII.

M. J. Clay, C. J. Dawson, N. M. Ayers, C. J. Philips, Dr. Charles E. Bessey, Eugene F. Ware, Mrs. Mary Furnas, Mrs. Ada M. Bittenbender, Mr. A. Vine Pease, and Mr. Niles R. Folsom.

Over 2000 bound volumes of Nebraska weekly newspapers had been removed from the rooms of the Society to the basement of the new building. A contract had been made with the State Journal Company for binding newspapers at a price of \$1.12 a volume for weeklies, and sixty-five cents a volume for dailies. During the last six months 857 volumes of Nebraska weekly newspapers and 200 volumes of dailies had been bound and 450 volumes had been prepared for binding.

Melvin R. Gilmore began his work as curator of the museum June 1. He had rearranged the collections and made valuable collections of native plants of Nebraska for the museum.

The third and last volume of Constitutional Conventions and a volume of Collections, edited by Albert Watkins, were in process of publication. An Outline of Nebraska History, prepared by Mr. Watkins, had been issued.

The last legislature had appropriated \$2000 toward marking the Oregon Trail in Nebraska, and the first vice president and the secretary of the Society and the state regent of the Daughters of the American Revolution were named as a commission for carrying out the provisions of the act. The work of marking the trail had been begun. A memorial association had been organized for this special work.

During the year, 7 life members, 15 sustaining members, and 40 active members were added to the membership of the Society. John L. Webster, Charles N. Deitz, Nelson H. Loomis, George W. Holdrege, A. L. Mohler,

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Gurdon W. Wattles, and Casper E. Yost, all residents of Omaha, had become life members.

The board of directors had adopted a badge for the Society.

Deaths of members of the Society had occurred during the year as follows:

Samuel J. Alexander, Lincoln, April 23; John H. Ames, Lincoln, Jan. 18; Joseph E. Cobbey, Beatrice, August 22; Rev. John E. Ingham, Hot Springs, S. D., Nov. 28; William R. Kelly, Los Angeles, Cal., March 9; Mrs. Kittie McGrew, South Auburn, Sept. 14; Charles Frederick Manderson, Omaha, Sept. 28; Rev. William Murphey, Beaver Crossing, Nov. 7; Henry E. Palmer, Omaha, April 2; Stephen B. Pound, Lincoln, May 14; John Schwyn, Grand Island, Aug. 13; Mrs. Morris C. Stull, Lincoln, Aug. 2; Eugene F. Ware, Kansas City, Kans., July 2; Jacob Wiggins, Lincoln, March 15; Owsley Wilson, Lincoln, May 23.

### SECRETARY'S FINANCIAL STATEMENT.

#### Current Receipts and Disbursements, 1911.

Balances from Dec. 31, 1910.

Cash in hands of treasurer, general fund....	\$ 681.42	
Cash in hands of treasurer, Crounse fund...	350.61	
Cash in hands of secretary, contingent f'd	100.00	
Unexpended balance of 1909 appropriation	1652.91	\$2784.94

#### Receipts.

Membership fees .....	\$ 508.00	
Sale of books .....	19.15	
Miscellaneous receipts .....	111.00	
State appropriation, 1911, general.....	13720.00	
State appropriation, 1911, paving tax.....	2000.00	
State appropriation, 1911, binding news- papers .....	1000.00	
State appropriation, 1911, printing vol- umes .....	3000.00	\$20358.15
		<hr/>
		\$23,143.09

#### Disbursements, 1911.

Salaries .....	\$ 5714.32
Postage .....	148.68



## TREASURER'S REPORT FOR 1911

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Express .....	15.83	
Freight and drayage .....	1.42	
Telephone and telegraph .....	85.70	
Traveling expenses .....	253.98	
Extra labor .....	869.26	
Books purchased .....	146.39	
Printing .....	220.35	
Binding newspapers .....	982.63	
Advertising .....	8.00	
Photography .....	28.00	
Stationery and office supplies.....	147.13	
Annual and board meetings.....	131.14	
Furniture and fixtures.....	64.72	
Miscellaneous expenses .....	87.07	
Paving tax .....	404.48	
Maintenance grounds and buildings.....	57.95	
		<hr/>
Total disbursements .....		\$ 9367.05
Balance .....		13776.04

## Consisting of:

Contingent fund in hands of secretary	100.00	
Cash in hands of treasurer, gen'l fund	54.26	
Cash in hands of treasurer, Crounse f'd	215.35	
Unexpended balance 1911 appropriation, general .....	8742.54	
Unexpended balance 1911 appropriation, paving tax .....	1595.52	
Unexpended balance 1911 appropriation, binding newspapers .....	68.37	
Unexpended balance 1911 appropriation, printing .....	3000.00	
		<hr/>
		\$13776.04

## TREASURER'S REPORT FOR YEAR ENDING JANUARY 1, 1912.

1911

## RECEIPTS.

Jan. 1, Balance on hand in Nat. Bank of Commerce....	\$1043.45
Cash, membership fees .....	128.00
Cash, life membership fees .....	250.00
Cash, sustaining dues .....	130.00
Cash, sundries .....	130.15
Total receipts .....	<hr/> \$1681.60

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1911.

### DISBURSEMENTS.

Jan. 1, Cash, warrants on general fund.....	\$1271.23
Cash, warrants on Crounse memorial fund.....	137.76
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Total disbursements .....	\$1408.99
Balance in National Bank of Commerce per	
check herewith .....	\$ 272.61

### MEETING OF DIRECTORS.

At a special meeting of the board of directors, at the rooms of the Society, May 2, 1912, new members of the Society were elected as follows:

Active, Leonard W. Colby, Beatrice; George D. Follmer, Oak; Josiah Miner, Friend; E. E. E. Ridgway, South Omaha.

Sustaining, Joseph P. Cleland, Omaha; James E. Delzell, Lincoln; Edwin S. Gunn, Lincoln; William H. Gardner, University Place; Rev. Albert Gordon, Lincoln; Sidney A. Hazelton, Douglas; Mrs. Laura Hammond Miller, John H. Moore, Robert E. Moore, William E. Straub, William W. Votaw, Charles D. Woods, and Arthur C. Ziemer, Lincoln.

Life, Bishop J. Henry Tihen, Lincoln.

The secretary of the Society was authorized to raise money by subscription for a monument marking the initial point of the steam wagon road.

Resolutions were passed commending action taken by the Old Settlers Historical Society of Howard county for the relief of Mrs. Emma Cooper Goebel, one of the sufferers in the great snowstorm of April 13, 1873.

A special meeting of the board of directors was held at the rooms of the Society, October 23, 1912, for the consideration of sundry subjects appertaining to the Society.

Minutes of the proceedings of all meetings of the board are on file among the records of the Society.

### THIRTY-FIFTH ANNUAL MEETING.

The thirty-fifth annual meeting of the Nebraska State

Historical Society was held at the Temple Theater, Lincoln, January 14, 15, 16, 1913.

At the business meeting, on January 14, the secretary reported that during the year 1400 titles were accessioned, 800 titles catalogued, and 1000 newspaper clippings classified. The Society was then receiving 451 daily and weekly Nebraska newspapers and 58 special publications.

A considerable quantity of archives had been removed from the basement of the capitol to the basement of the Society's new building.

An act of Congress approved May 11, 1912, directed the Secretary of the Interior to cause a deed of two acres of the land which had been occupied by the Presbyterian mission building, on the Omaha Indian reservation, to be issued to the Nebraska State Historical Society.

All of the 125 new members enrolled during the year had come in as sustaining members — with the understanding that they were to pay to the Society two dollars annually.

One volume of collections had been published during the year, and the third volume of Nebraska Constitutional Conventions would soon be issued. Reports of the proceedings of the Society for 1908 and 1909 were published in pamphlet form. The cost of publication was paid with contributions from friends of the Society. Nearly all of the Crounse fund of \$500 had been used for the purchase of books.

The following named officers were elected for the ensuing year: John L. Webster, president; Robert Harvey, first vice president; Samuel C. Bassett, second vice president; Clarence S. Paine, secretary; Stephen L. Geisthardt, treasurer.

Dr. Hamilton B. Lowry was reelected a member of



the board of directors, and Bishop J. Henry Tihen was elected a director to succeed Frank M. Currie whose term had expired.

The committee on obituaries reported deaths of members during the year as follows:

George W. Doane, Omaha; Henry Clay McMaken, Platts-mouth; Mrs. Charles H. Gere, Lincoln; Lyman D. Stilson, York; Eleazer Wakely, Omaha; Harvey W. Hardy, Lincoln; Neriah B. Kendall, Lincoln; Miss Emma Morton, Nebraska City; Dr. David B. Perry, Crete; William Z. Taylor, Culbertson; Daniel H. Wheeler, Omaha.

At an adjourned session of the business meeting, held at two o'clock in the afternoon, January 16, 98 persons were elected members of the Society.

#### TREASURER'S REPORT.

The treasurer presented his report for the year ending January 1, 1913 as follows:

1912.

#### RECEIPTS.

Jan. 1, Balance on hand in Nat'l Bank of Commeree....	\$272.61
Cash, membership fees .....	204.00
Cash, life membership fees.....	130.00
Cash, sustaining dues .....	154.00
Cash, sundries .....	71.45
Total Receipts .....	<u>\$832.06</u>

1912.

#### DISBURSEMENTS.

Jan. 1, Cash, warrants drawn on general fund.....	\$468.40
Cash, warrants drawn on Crounse Memorial F'd .....	206.82
	<u>\$675.22</u>
Balance .....	\$156.84
Outstanding checks .....	6.91
Balance in National Bank of Commerce per check herewith .....	<u>\$163.75</u>

## THIRTY-SIXTH ANNUAL MEETING.

The thirty-sixth annual meeting of the Nebraska State Historical Society was held at the Temple Theater, Lincoln, January 20, 21, 22, 1914.

At the first session, January 20, eight o'clock in the evening, President John L. Webster and Rogers C. B. Thruston, of Louisville, Kentucky, president-general of the National Society of the Sons of the American Revolution delivered addresses.

A meeting of the Nebraska Territorial Pioneers Association was held in the forenoon of January 21.

A business session took place at two o'clock in the afternoon, January 21. A motion that the secretary be instructed to cast the ballot of the Society for the reëlection of officers and members of the board of directors was carried by a vote of 55 to 11; whereupon a ballot was so cast and officers were declared elected as follows: John L. Webster, president; Robert Harvey, first vice president; Samuel C. Bassett, second vice president; Clarence S. Paine, secretary; Charles B. Letton and Horace S. Wiggins, directors for a term of three years. Dr. P. L. Hall was then elected treasurer for the ensuing year.

The secretary then made his report. The appropriation of \$2000 made by the legislature of 1911 for the purpose of marking the Oregon Trail and \$1390.25 contributed by individual persons had been expended and the work was nearly completed. The third and last volume of Nebraska Constitutional Conventions and volume XVII of Collections had been issued during the year.

The Society was then receiving 450 newspapers, 49 of them dailies; a like number of volumes of newspapers and 65 volumes of books had been bound during the year.

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Mr. E. M. Correll had donated early town records of Hebron, Nebraska, and files of the *Hebron Journal* from 1871 to 1898. Donations had been made also by Charles H. Morrill, A. L. Anderson, George W. Hansen, Henry Huckins, L. J. Healey, H. A. Brainerd, Mrs. George W. McCreery and Charles C. Hollebaugh.

The secretary made the following financial statement, audited by the Wiggins-Babcock Accounting Company:

### CURRENT RECEIPTS AND EXPENSES, 1913.

Balance from December 31, 1912

S. L. Geisthardt, treasurer,	
General fund .....	\$145.31
Crounse fund .....	8.53
C. S. Paine, secretary,	
General fund .....	30.00
Contingent fund .....	100.00

Total cash funds.....	\$283.84
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Balances state appropriations, 1911,

General .....	\$2,012.89
Paving tax .....	1,251.20
Binding Newspapers .....	68.37
Printing 3 volumes.....	1,386.23

Total appropriations....	\$4,718.69
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Total .....	\$5,002.53
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Receipts, 1913.

Membership fees .....	\$312.00
Sale of books .....	34.77
Ground rentals .....	189.75
Badges .....	13.00

Total cash receipts.....	\$549.52
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State appropriations, 1913:

Current expenses .....	\$6,509.00
Regular salaries .....	11,840.00
Janitor's salary .....	500.00
Curator's traveling exp.....	450.00

Total appropriations, 1913	\$19,299.00
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## FINANCIAL STATEMENT FOR 1913

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Total receipts .....		\$19,848.52
Total for which to account..		<u>\$24,851.05</u>
Expenses, 1913.		
Salaries .....	\$6,377.79	
Postage .....	187.00	
Express .....	35.12	
Freight and drayage.....	27.29	
Telephone and telegraph.....	85.97	
Traveling expenses .....	379.89	
Extra labor .....	510.88	
Books purchased .....	111.43	
Printing .....	1,385.73	
Binding newspapers .....	28.00	
Advertising .....	16.50	
Photography .....	7.95	
Stationery and office supplies	211.20	
Annual and board meetings....	173.75	
Furniture and fixtures.....	153.23	
Miscellaneous expenses .....	116.30	
Paving tax .....	1,272.09	
Maintenance buildings and grounds .....	59.95	
Badges .....	13.00	
Total expenses .....		\$11,153.07
Lapsed appropriations, 1911:		
General.. .....	.90	
Paving tax .....	89.62	
Binding newspapers .....	.37	
Printing 3 volumes.....	.50	
Total .....		<u>\$91.39</u>
Total expenses and lapsed ap- propriations .....		<u>\$11,244.46</u>
Balance .....		\$13,606.59
Consisting of		
Cash in hands of treasurer:		
General fund .....	\$169.79	
Crounse fund .....	5.53	
Cash in hands of secretary:		
General fund .....	33.00	
Contingent fund .....	100.00	
Total .....		<u>\$308.82</u>

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Appropriations, 1913, unexpended balances:

Current expenses .....	\$5,397.72
Regular salaries .....	7,400.00
Janitor's salary .....	327.15
Curator's traveling exp.....	173.40

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Total appropriations available	\$13,298.27
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Total cash and appropriations	\$13,606.59
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Andrew J. Sawyer, for the committee on obituaries, reported deaths during the year 1913 as follows:

Charles O. Whedon, Lincoln, January 15; Henry T. Clarke, Omaha, February 3; Dr. Walter K. Jewett, Lincoln, March 3; David Anderson, South Omaha, March 24; John A. Buckstaff, Lincoln, April 12; John Benjamin Reed, Lincoln, May 1; Rollin M. Rolfe, Nebraska City, May 10; Edwin O. Miller, Lincoln, May 20; John B. Buckley, Stromsburg, May 23; James E. North, Columbus, July 5; Arthur C. Ziemer, Lincoln, August 9; George H. McGee, Clearwater, September 29; Mrs. Ida D. Wiggins, Lincoln, October 10; Mrs. Caroline Morton, Nebraska City, November 8; William H. Harrison, Grand Island, November 16; Samuel J. Graham, Pawnee City, December 7.

Melvin R. Gilmore, curator of the Society, read a paper on the Battle of Wounded Knee.

A meeting of local historical societies and of old settlers associations was held in the forenoon of January 22. Robert Harvey reported for the Howard County Old Settlers Association, H. L. McGinitie for the Antelope County Pioneers Association, John J. Lett for York county, J. J. Breen for the South Omaha Pioneers Historical Society, S. Z. Williamson for Boone county. George G. Wallace, of Omaha, related that the old dwelling house of Judge Fenner Ferguson, at Bellevue, would soon be offered for sale. In the afternoon there was a session of the Nebraska Memorial Association at which Robert Harvey reported for the committee on historic sites.

At the last session, on the evening of Jan. 22, pa-

pers were read as follows: The Swedes in Nebraska, by Professor Joseph E. Alexis; The Clan Organization of the Winnebago, by Oliver Lamere; The Bohemians in Nebraska, by Professor Sarka Hrbkova. Miss Naomi Emrich gave the music of the evening.

Meetings of the board of directors were held March 6, April 10, and October 13. At the last meeting 23 persons were elected members of the Society.

#### THIRTY-SEVENTH ANNUAL MEETING.

The thirty-seventh annual meeting of the Nebraska State Historical Society was held in Lincoln, January 12, 13, 14, 1915.

At the first session, in the state senate chamber, at eight o'clock in the evening, January 12, Professor Guernsey Jones read a paper on Early American Portraiture and Allen D. Albert, editor of the *Minneapolis Tribune*, gave an address on New Forces In American History.

The business meeting of the Society was held at the Temple Theater, January 13, at two o'clock in the afternoon. Mrs. Andrew J. Sawyer played a number upon a piano brought to Nebraska by Judge Fenner Ferguson, first chief justice of the territory, in the spring of 1855.

George W. Hansen was reëlected a member of the board of directors and Gurdon W. Wattles was elected a member of the board to succeed Frank L. Haller.

The officers of the Society were reëlected as follows: John L. Webster, president; Robert Harvey, first vice president; Samuel C. Bassett, second vice president; Clarence S. Paine, secretary; Dr. P. L. Hall, treasurer.

Amendments of articles III, V, and VI of the constitution, creating the office of superintendent, were presented.



President Webster then delivered an address.

Andrew J. Sawyer, for the committee on obituaries, reported that 13 members of the Society had died during the year 1914, as follows:

Dr. Porter C. Johnson, Tecumseh, January 20; Mrs. Elvira Gaston Platt, Oberlin, Ohio, January 25; Robert L. Smith, Lincoln, January 30; Ira H. Hatfield, Lincoln, February 8; William W. W. Jones, Denver Colorado, March 10; George W. Martin, Topeka, Kansas, March 27; Dr. Samuel W. McGrew, South Auburn, April 1; Ancil L. Funk, Lincoln, April 23; Judge Isham Reavis, Falls City, May 8; James Crawford, Wy- more, May 19; George D. Follmer, Oak, May 29; Joseph J. Hawthorne, Fremont, July 24; Ellis T. Hartley, Lincoln, October 8.

Thirty-nine persons were elected members of the So- ciety.

The following statement of the receipts and disburse- ments of the Society for the year 1914, audited by the Wiggins-Babcock Company, accountants, was presented:

#### CURRENT RECEIPTS AND EXPENSES, 1914.

Balance from Dec. 31, 1913		
Dr. P. L. Hall, treasurer,		
General fund .....	\$169.79	
Crounse fund .....	5.53	
C. S. Paine, seeretary,		
General fund .....	33.00	
Contingent fund .....	100.00	
	<hr/>	
Total cash fund.....		\$308.32
Balances 1913 appropriations.		
Current expenses .....	\$5,397.72	
Regular salaries .....	7,400.00	
Janitor's salary .....	327.15	
Curator's traveling exp...	173.40	
	<hr/>	
Total appropriations....		\$13,298.27
	<hr/>	
Total .....		\$13,606.59

## Receipts, 1914.

Membership fees .....	\$326.00
Sale of books .....	6.25
Ground rentals .....	326.85
Rebate on overcharge printing vol. 3 constitution.....	174.73
Badges .....	6.00

Total cash receipts....	<u>\$839.83</u>
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Total for which to account..	<u>\$14,446.42</u>
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## Expenses, 1914.

Salaries .....	\$6,684.90
Postage .....	347.30
Express .....	21.18
Freight and drayage.....	93.73
Telephone and telegraph.....	76.45
Traveling expenses .....	277.14
Extra labor .....	473.80
Books purchased .....	61.81
Printing .....	2,000.00
Binding newspapers .....	461.90
Binding books .....	34.35
Advertising .....	4.05
Photography .....	94.14
Stationery and office supplies	196.74
Annual and board meetings....	83.15
Furniture and fixtures.....	106.19
Miscellaneous expenses .....	126.75
Paying tax .....	197.70
Maintenance of grounds and buildings .....	108.95
Badges .....	50.00

Total expenses .....	<u>\$11,500.23</u>
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	<u>\$2,946.19</u>
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Balance consisting of	
Cash in hands of treasurer,	
General fund .....	\$97.85
Crounse fund .....	5.53
Cash in hands of secretary,	
Contingent fund .....	100.00

Total cash .....	<u>\$203.38</u>
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### Appropriations 1913 unexpended

Balances,	
Current expenses .....	\$1,175.60
Regular salaries .....	1,480.02
Janitor's salary .....	87.15
Curator's traveling exp...	.04
Total appropriations available	<u>\$2,742.81</u>

Total cash and appropriations .....	\$ 2,946.19
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The last session was held at eight o'clock in the evening, January 13. The program consisted of a song, Sons of Ye Olden Time, by the University male quartette; a paper, The Eighteenth Infantry, by John P. Sutton; a paper, Nebraska National Guard During a Strike, by Professor A. A. Reed; a paper, Early Days in Norfolk, by Mrs. Cora A. Beels; and a vocal solo by Mrs. A. S. Raymond.

A conference of local historical societies and old settlers associations was held January 14, at ten o'clock in the morning.

A meeting of the Nebraska Memorial Association was held at half past two o'clock in the afternoon, and at half past six o'clock in the evening there was a banquet at the Lincoln Hotel.

Meetings of the board of directors were held January 12, 1915; May 3, 1915; May 19, 1915; and November 18, 1915. At the meeting of May 3 President Webster urged that the Society take immediate steps toward a proper celebration of the semicentennial of the admission of Nebraska as a state, and a committee of one hundred citizens of the state was appointed by the president to make arrangements for such celebration. Fifty-four persons were elected members of the Society.

At the meeting of November 18, the resignation of Melvin R. Gilmore, curator of the Society, was accepted.



Dr. Gilmore had been chosen curator of the State Historical Society of North Dakota. Thirty-eight persons were elected members of the Society.

#### THIRTY-EIGHTH ANNUAL MEETING.

The thirty-eighth annual meeting of the Nebraska State Historical Society was held at Lincoln, January 17, 18, 19, 1916. Some members assembled at the rooms of the Society at half past one o'clock in the afternoon, January 11, but no quorum being present the meeting adjourned until half past two o'clock in the afternoon, January 18. At a preliminary meeting, held in the Temple Theater at eight o'clock in the evening, January 17, papers were read as follows: The Last Buffalo Hunt of the Pawnee Indians in Nebraska, by John W. Williamson, of Genoa; The Omaha Indians in Peace and War, by Alfred Blackbird, of Macy; The Oto Indians, Their Language and Customs, by Major Albert L. Green, Beatrice; Native Animals Known to the Omaha Indians, Melvin R. Gilmore, curator of the Society.

At a conference of local historical societies and old settlers associations, in the forenoon of January 18, the project of celebrating the semicentennial of the admission of Nebraska as a state was discussed by Herbert M. Bushnell, Andrew J. Sawyer, Robert B. Windham, Samuel C. Bassett, Jefferson H. Broady, Jr., Charles H. Frady, George W. Hansen, Rev. George R. McKeith, Thomas Wolfe, and Louis A. Bates.

The annual business meeting was held at half past two o'clock in the afternoon, January 18, in the Temple Theater. The secretary gave in his report a list of twenty-five citizens of the state who had offered to give \$1,205 toward the erection of a temporary building for the use

of the Society. The secretary reviewed steps which had been taken in preparation for the semicentennial celebration.

During the year there had been accessioned 2,000 titles, 215 manuscripts, 445 photographs, and more than 5000 newspaper clippings. The Society was then receiving 462 weekly papers and 29 dailies. Forty-six volumes of Omaha and Lincoln papers had been bound, and 28 volumes of dailies and 334 volumes of weeklies were ready for binding.

Among gifts made to the library during the year, an atlas of 1820 and another of 1858, received from Mr. W. A. Wolfe, of Beatrice, were mentioned.

Officers and members of the board of directors were elected as follows: John L. Webster, president; Robert Harvey, first vice president; Samuel C. Bassett, second vice president; Clarence S. Paine, secretary; Dr. Philip L. Hall, treasurer; Bishop J. Henry Tihen and Dr. Hamilton B. Lowry, directors.

Amendments of articles III, V, and VI of the constitution, which had been presented at the meeting of 1915 were adopted.

Amendments of the by-laws, conforming them to the amended articles of the constitution, were adopted.

Andrew J. Sawyer, for the committee on obituaries, reported deaths of members for the year ending December 31, 1915, as follows:

Rev. Luther P. Ludden, Lincoln, January 7; Henry W. Yates, Omaha, January 9; Evan T. Roberts, Lincoln, January 24; Irving J. Mannatt, Providence, Rhode Island, February 13; Charles E. Bessey, Lincoln, February 25; James B. McGrew, Bloomington, March 14; Nehemiah S. Harding, Nebraska City, March 30; Alonzo B. Minor, Lincoln, April 19; Mrs. Ella K. Morrison, Lincoln, June 9; Allen W. Field, Lincoln, June 9; Martin Langdon, Omaha, June 17; Alfred C. Kennedy, Omaha, July 1; Mathew B. Cheney, Lincoln, July 5; Francis W. Brown,

Lincoln, July 7; William W. Wood, Alliance, July 22; Herbert C. Probasco, Lincoln, August 5; Albert W. Crites, Chadron, August 23; Addison S. Tibbets, Lincoln, September 25; John B. Dinsmore, Lincoln, October 6; Church Howe, Auburn, October 7; John J. Bean, Lincoln, December 18; Victor B. Caldwell, Omaha, December 26.

The report included Dr. Charles F. Stewart, South Auburn, died May 14, 1912; and Shadrach Doty, Grafton, July 28, 1912.

Forty-two persons were elected members of the Society.

The following financial statement, audited from the accounts of the Society by the Wiggins-Babcock Company, was presented by the secretary:

CURRENT RECEIPTS AND EXPENSES, 1915.

Balance from December 31, 1914

Dr. P. L. Hall, treasurer,	
General fund .....	\$97.85
Crounse fund .....	5.53
C. S. Paine, secretary,	
Contingent fund .....	100.00

Total cash fund .....	\$203.38
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Balance 1913 appropriations:

Current expenses .....	\$1,175.60
Regular salaries .....	1,480.02
Janitor's salary .....	87.15
Curator's traveling exp... ..	.04

Total 1913 appropriations available .....	\$2,742.81
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Total available funds at beginning of the year.....	\$2,946.19
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Receipts, 1915.

1915 appropriations:

Incidentals, etc. ....	\$3,800.00
Regular salaries .....	13,040.00
Traveling expenses .....	450.00
Extra office help .....	250.00



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Paving tax .....	400.00	
Printing proceedings and collections .....	2,000.00	
Janitor's salary .....	500.00	
<hr/>		
Total 1915 appropriations available April 1, 1915.....		\$20,440.00
Membership fees .....	\$433.00	
Sale of books.....	37.12	
Miscellaneous receipts.....	296.00	
Building fund .....	26.00	
<hr/>		
Total cash receipts.....		\$792.12
<hr/>		
Total 1915 appropriations and cash receipts .....		\$21,232.12
<hr/>		
Total for which to account..		\$24,178.31

### Expenses, 1915.

Salaries .....	\$7,068.23	
Postage .....	295.00	
Express .....	13.67	
Freight and drayage.....	24.17	
Telephone and telegraph.....	90.13	
Traveling expenses .....	331.47	
Extra labor .....	428.00	
Books purchased .....	117.83	
Printing .....	314.25	
Binding newspapers .....	93.70	
Binding books .....	38.15	
Advertising .....	44.02	
Photography .....	240.11	
Stationery and office supplies	220.53	
Annual and board meetings....	76.74	
Furniture and fixtures.....	66.55	
Miscellaneous expenses .....	149.13	
Paving tax .....	188.79	
Maintenance buildings and grounds .....	66.94	
Museum collection .....	50.00	
Badges .....	23.50	
<hr/>		
Total expenses .....		\$9,940.91
Lapsed appropriations 1913:		
Current expenses .....	\$14.43	

Regular salaries .....	.03	
Janitor's salary .....	.15	
Curator's traveling exp...	.04	
Total appropriations lapsed		\$14.65
Total of expenses and lapsed appropriations .....		\$9,955.56
		\$14,222.75
General fund .....	\$11.22	
Balance consisting of		
Cash in hands of treasurer:		
Crounse fund .....	5.53	
Building fund .....	26.00	
Cash in hands of secretary:		
General fund .....	27.00	
Contingent fund .....	100.00	
Total cash .....		\$169.75
Appropriations, 1915, balances:		
Incidentals, etc. ....	\$2,949.97	
Regular salaries .....	8,150.02	
Traveling expenses .....	234.30	
Extra office help .....	187.50	
Paving tax .....	211.21	
Printing proceedings and collections .....	2,000.00	
Janitor's salary .....	320.00	
Total appropriations available .....		\$14,053.00
Total cash and appropriations		\$14,222.75

The treasurer's accounts show receipts for the year amounting to \$768.62. Of this sum \$168 is credited to annual membership dues, \$258 to membership fees, and \$5 on life membership account.

Robert Harvey, for the committee on historic sites, reported on the erection of a large number of markers and monuments. It is the intention of the Society to pub-

lish, at some future time, a more extended account of that enterprise than can be given in this volume.

At a meeting of the board of directors held at the rooms of the Society March 23, 1916, at four o'clock in the afternoon, the salary of the superintendent was increased from \$1,800 to \$2,000; George R. Fox, of Appleton, Wisconsin, was chosen as curator of the museum at a salary of \$100 per month; and the other members of the office force were retained for the coming year without change of terms or condition.

Fifteen persons were elected sustaining members of the Society. Dr. Antonio Carlos Simeons da Silva, Rio de Janeiro, Brazil, was elected a corresponding member.

At a meeting of the board of directors held at the rooms of the Society, June 24, 1916, at two o'clock in the afternoon, the resignation of Mrs. Minnie P. Knotts, librarian of the Society, was received and accepted. Thereupon Mrs. Knotts was elected secretary of the Society to fill the vacancy caused by the death of Clarence S. Paine, to serve until the regular quarterly meeting of the board to be held October 10, 1916.

Clara A. Paine was elected librarian to fill the vacancy caused by the resignation of Mrs. Knotts and to serve until the quarterly meeting of the board of directors to be held October 10.

It was moved and seconded that the office of superintendent of the Society be left vacant until the October meeting.

The following resolution offered by Samuel C. Bassett was adopted:

*Resolved*, That a committee of three be appointed by the president and that the chancellor of the University be requested to appoint a like committee, to confer upon the advisability of coöperation on the part of the State Historical Society and



the State University in an effort to secure a unified and efficient development of the library and museum interests of the state.

On motion, duly carried, the president appointed Andrew M. Morrissey and Charles B. Letton a committee to prepare resolutions on the death of Secretary Paine.

At a meeting of the board of directors held at the rooms of the Society, October 10, 1916, the joint committee appointed in accordance with the resolution adopted at the meeting of the board on June 24 made a report which was adopted. The committee on the part of the Historical Society were Charles B. Letton, Samuel C. Bassett, and Willis E. Reed, attorney-general; on the part of the University, Malcolm G. Wyer, librarian; Prof. E. H. Barbour; and Edward P. Brown, regent of the University. The report of the joint committee follows:

The joint committee of the Nebraska Historical Society and of the University of Nebraska is convinced that the State Historical Society has a very important place in developing a popular interest in the early history of Nebraska, in fostering a pride in the growth of the state and in the achievements of its early pioneers, in cultivating a civic consciousness, in preserving landmarks notable in the state's development, and in research and publications, and it is unanimous in the opinion, that these objects can best be attained by continuing the organization of the Historical Society as a separate institution.

The committee is further convinced that in conducting its work in these various fields, the Historical Society is engaged in an important educational field that in many features is closely associated with activities being carried on by the University of Nebraska, especially in the conduct of research and publication. And on this account the committee believes that the policy adopted by the State Historical Societies in Wisconsin, Minnesota, Missouri, Illinois, North Dakota and Iowa, where the historical society and the state university are closely associated and affiliated, is a wise one.

In this connection it is interesting to quote the following statement made by Prof. H. E. Bourne, a leading historian of the country, in a report on state historical societies, in the American Historical Association report for 1904.

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The importance of intimate relations between the societies and historical faculties is evident from the fact that the larger faculties with their bodies of graduate students are virtually historical societies engaged in important researches.

And also the following statement, in a report on state historical societies, made by Drs. Thwaites, Shambaugh and Riley, and published in American Historical Association report for 1905, is of interest.

There has recently been a strong tendency on the part of Western and Southern historical organizations to associate themselves with their state universities. At the university town, of all communities in the state, exists a body of scholars who can most profitably utilize the collections of the historical society. The scholars need the inspiration of persistent, intelligent collection and publication: the society managers need the academic atmosphere and academic counsel in and with which to broaden and solidify their work, while the historical library finds its excuse in the largest possible circle of users. Recognition of these facts has, wherever possible, led to a closer union between society and university.

The committee in studying the relations of the libraries and museums of the State Historical Society and the University deems it important to consider the situation of all libraries and museums supported by the state and located at the capital city, and it calls attention to the following conditions:

### I. Libraries.

At the present time the state maintains, in the capital city of Lincoln, the following libraries supported for the benefit of the residents of Nebraska.

1. The University library of 125,000 volumes, primarily for use of the students and faculty of the University, but also accessible for reference use and loans to all citizens of the state.
2. The state library, including the valuable law library and the miscellaneous collection.
3. The State Historical Society library, devoted largely to Nebraska and western history.
4. The Library Commission collection, comprising traveling libraries and a small reference library.
5. The Legislative Reference Bureau, a working reference collection on problems of administration, government, economics, etc.

This plan of developing five distinct state library agencies has resulted in the following unsatisfactory conditions:

1. The building up of these libraries in scattered locations and without close coördination necessarily results in expensive duplication of books, as for instance to name only a few cases:
    - (1) The State library and the University library are both depository libraries for U. S. government publications and the Historical Society library also has a large collection of miscellaneous government publications. One depository set would be sufficient for local and state-wide use.
    - (2) Miscellaneous state publications are collected by the University library, by the Historical Society library, by the State library and by the Legislative Reference Bureau.
    - (3) Genealogical collections, although poor ones, are maintained by the State library and by the Historical Society library.
    - (4) Western history is collected by the University and by the Historical Society libraries and by the Legislative Reference Bureau.
  2. This duplication of books is costly not only in money expended but in caring for the books and in providing shelving for them.
  3. This development of distinct and separately located libraries is inefficient as well as costly, because it scatters the library resources of the state and makes access to all the resources on one subject difficult.
  4. In the conduct of reasearch work for the Historical Society, for the Legislative Reference Bureau, for the University and of like work by individuals, it is constantly necessary to consult books in the State library, the Historical Society library, the Legislative Reference Bureau library and the University library.
- II. Museums.
- The state now maintains three museums located at the state capital; the general museum of the University, the museum of the Historical Society and a museum of war relics in the capitol building under control of the Department of Nebraska G. A. R. It would be greatly to the advantage of those residents of Nebraska interested in museum collections, if all the museums of the state, located in the capital city, could be centralized and found in one place.



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Facing these conditions, the committee again is in agreement with this statement from the above quoted report by Drs. Thwaites, Shambaugh and Riley:

The problem would be simplified were the ideal recognized that, wherever practical, there should in each state be some one place where all manner of historical data relative to the commonwealth at large, may be placed for preservation and consultation.

A concentration of state libraries agencies and of state museums would accomplish this ideal and the committee believes that business judgment, efficiency, promptness in service, and a wise regard for economy of state appropriations call for such centralization and coördination of all museums supported by the state and of all library agencies of the state located in the capital city with the exception of the State law library which is the tool of the justices of the supreme court and which should remain under their control.

Therefore, this joint committee recommends that the Nebraska State Historical Society and the University of Nebraska join in an effort to secure the erection of a building for the use of both, and for the Library Commission and the Legislative Reference Bureau; and that committees be appointed by the Historical Society and the University of Nebraska to work out and report the details of such effort.

A motion that a new committee of five be appointed to act with a like committee from the State University in considering and reporting upon further details of the recommendations made in the foregoing report of the joint committee, was adopted.

The appointment of a superintendent and a librarian was postponed to a special meeting to be called by the president. A motion that a committee of three be appointed to recommend a choice for superintendent was carried. The meeting adjourned subject to the call of the president.

The board of directors met pursuant to the call of the president, at the rooms of the Society, December 27, 1916. The new or joint committee reported as follows:

## REPORT FOR JOINT LIBRARY BUILDING 305

The joint committee representing the Nebraska State Historical Society and the University of Nebraska, appointed for the purpose of working out and reporting details of coöperative effort to secure the erection of a building for the State Historical Society, the University of Nebraska library, the Legislative Reference Bureau, and the State Library Commission, held its meeting in the Directors' room of the State Historical Society, December 11, 1916.

The committee appointed in behalf of the Nebraska State Historical Society was composed of John Lee Webster, Samuel C. Bassett, Judge Charles B. Letton, Philip L. Hall, and Attorney-General Willis E. Reed. The committee representing the University consisted of Chancellor Samuel Avery, Regents J. E. Miller, E. P. Brown, and Frank L. Haller, and M. G. Wyer, librarian.

Upon the assembling of the joint committee, John Lee Webster, representing the Historical Society, was elected chairman and M. G. Wyer, representing the University, was elected secretary. After a general discussion participated in by all the members of the committee present the following resolutions were unanimously agreed upon:

(1) That it is the sense of the joint committee that it recommend that the proposed building be erected upon a site adjacent to the University campus.

(2) It is the sense of the joint committee that the designated name of the proposed building be the "Nebraska State Historical and University Library Building."

(3) It is the sense of the joint committee that the plans for the proposed building should be approved and the construction of the building be under the supervision of a commission to be selected and appointed by the Historical Society and the regents of the University and of which the state librarian shall be a member.

(4) That a committee be appointed to ascertain whether there be any clause of reversion in the deed conveying title to the present property now owned by the Historical Society, and if so for the committee to take proper steps to have the city of Lincoln relinquish such right of reversion.

The chairman appointed on this committee, Philip L. Hall and J. E. Miller.

Upon motion of Chancellor Avery, seconded by Mr. Wiggins, the report was unanimously adopted.

Messrs Wiggins, Letton, and Morrissey, the commit-

tee appointed to make recommendations of persons to be considered for the office of superintendent of the Historical Society, offered a report which was received and considered.

Upon motion by Chancellor Avery it was decided that the election of a superintendent be postponed and that the president be authorized to appoint a committee of three directors to take the matter under further consideration and to make a report at a subsequent meeting of the board of directors to be called by the president.

President Webster thereupon appointed Messrs. Wattles, Hansen and Reed as the committee.

Upon motion the meeting adjourned subject to the call of the president.

The board met pursuant to the call of the president, at the rooms of the Society, January 10, 1917, at two o'clock in the afternoon, President Webster presiding. All members were present in person or by proxy, Judge B. F. Good holding the proxy of Mr. Morrissey and S. C. Bassett the proxy of Mr. Perkins. Mr. Wattles reported that the committee were unanimous in recommending A. O. Thomas for the office of superintendent. A ballot being taken A. E. Sheldon received a majority. On motion his election was made unanimous.



**SPECIAL HISTORICAL PAPERS**

## NEAPOLIS, NEAR-CAPITAL.

BY ALBERT WATKINS.

Many rivers less formidable of passage than the Platte have immemorially marked the territorial boundaries of nations. At the very outset of Nebraska's political career the Platte river barrier served to separate the settlers into two hostile factions, and this sectional feud appreciably impeded the otherwise difficult progress of the commonwealth during nearly the earlier half of its existence—until railroads and coöperating municipalities on either side of the troublesome stream could afford to abate the irritating inconvenience of physical division with numerous bridges.

The clash of sections began in the first struggle for the location of the capital of the territory, which was won by the North Platte. The sectional issue was distinctly defined in a memorial addressed to the federal Congress, introduced by J. Sterling Morton into the lower house of the second territorial assembly, which urged the annexation of the South Platte section to Kansas. The principal reason for the separation was set forth as follows:

The Great Platte river is a natural boundary mark, and seems as though intended by nature for the dividing line between two great states. It is almost impossible (and thus far has been perfectly so) to either ford, ferry or bridge this stream. It therefore separates, both in identity of interests and in fact, the portions of Nebraska lying on opposite sides of it.

The motion to lay the memorial on the table for twenty days was carried by a vote of only 14 to 11; though on the final vote, after reconsideration, it was

postponed by 20 to 5. Four of the five members who voted against postponement were from Otoe county; the other was from Nemaha.<sup>1</sup> The slump in the radical memorial method of getting even with the North Platte was probably owing to the concentration of South Platte effort upon a bill for the removal of the capital from Omaha to a paper town called Chester, situated, it seems, at several points in the Salt Creek valley in the neighborhood of the later site of Lincoln. The bill was introduced in the House of Representatives by Decker, of Otoe county, and it was indefinitely postponed by the close vote of 13 to 11. Three South Platte members refused to stand with their section for removal.<sup>2</sup>

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<sup>1</sup> House Journal Second General Assembly, pages 121, 156.

<sup>2</sup>Ibid., page 143.

There were projected towns in this vicinity called Chester. One of them was situated on Salt Creek about five miles south of the junction of Oak Creek with the Salt. According to J. G. Wells' Handbook of Nebraska, published in 1857, another projected Chester was situated on Salt Creek nearly north of the subsequent site of Waverly. A map of Nebraska prepared by the same Wells in the same year places Chester on Beal's Slough about four miles east of its mouth and about three miles east of the subsequent site of the state penitentiary. Another map, published in Cincinnati, in 1857, and compiled by Robert L. Ream "from the field notes in the Surveyor General's office," places this elusive town on Salt Creek about five or six miles south of the mouth of Oak. This is the location assigned to it in Cox's History of Seward county (p. 8). John S. Gregory spoke of Chester as "a town on paper" situated about eight miles south of Lincoln. (Hayes and Cox, History of the City of Lincoln, p. 79.) Dr. Wesley Queen, who had been a resident of Lancaster county ever since 1860, informed me that the projected town of Chester was situated on the hill just south of the state penitentiary, east of Salt Creek. This statement is probably correct. There might have been a Chester projected for the situation near Waverly when an attempt was made by the second territorial assembly, in 1856, to remove the capital from Omaha to a place on Salt Creek named Chester in the removal bill. This was a favorite neighborhood for the relocation of the capital. The next territorial assembly passed a bill to remove it to a blue print place called Douglas City, to be situated on Salt Creek near the mouth of Camp Creek.



That the South Platte desire to reclaim the capital to its side of the impassable river should persist is clearly explicable. It is also explicable that this desire should be inflamed by resentment, inasmuch as its object had been snatched away from superior South Platte numbers by inferior North Platte numbers through superior artifice. Consciousness of superior power fanned the removal flame for twelve years to final accomplishment. In the third territorial assembly, which convened on the fifth of January, 1857, a removal bill passed the Council 9 to 4, and the House 23 to 12. Puett, of Dakota county, was the only member of the Council who voted with the three members from Douglas county against the bill, and William A. Finney, of Nemaha, was the only member of the House from the South Platte who opposed it. But though Robert W. Furnas, also of Nemaha county, voted for the removal bill, after Governor Izard vetoed it he flirted with the North Platte and voted on that side for two dilatory motions meant to obstruct the passage of the measure over the veto. It required nine votes in the Council and twenty-four in the House to override the veto, but the removalists could command but eight and twenty-three; and the bill was indefinitely postponed in the Council on motion of a friendly member. Thus the triumph of the South Platte was narrowly averted by the defection of Finney and fear of the defection of Furnas. The proposed capital, to be called Douglas, did not get beyond the blue print stage. It appears that two towns very appropriately named for the then most popular statesman and political hero were projected on paper for the purpose of contesting the right to become the capital of the territory, if the bill should be enacted. One of them was situated on Salt Creek, near the mouth of Camp Creek; the other about two miles to the southeast,

and three miles southwest of the site now occupied by Greenwood. Governor Izard's tenure of office was now uncertain, and he was about to start to Washington, presumably for the purpose of ascertaining his political status, when he was intercepted by Dr. George L. Miller and persuaded to stay to be in readiness to veto the removal bills.<sup>3</sup>

The fourth general assembly convened on the eighth of December, 1857. On the sixth of January Abbe, of Otoe county, introduced House file 130, "An act to relocate the seat of government." One of the excuses for thus again starting the removal trouble was that the city of Omaha was acting in bad faith by neglecting or refusing to deed to the territory the capitol grounds—called "Capitol Square." The day following, the deed was delivered to the acting governor; but the accession was coupled with a demand that the removal bill be withdrawn. On the same day the trouble culminated in both parliamentary and physical warfare in the House. It would be neither worth while nor practicable to undertake to fix or balance the blame for this disgraceful riot. While it was a characteristic or typical frontier fracas, it was predestined by the sectional circumstances already described, just as the war of the revolution and the civil war were unavoidable. The inevitability of the conflict is illustrated by the fact that the removal spirit, which for the three tender years of territorial existence had been "mewling and puking in the" South Platte "nurse's

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<sup>3</sup> Additional information on this topic may be found in the History of Nebraska, volume I, pages 299-302; volume III, pages 20-21. Dr. Miller related the Izard incident to the present writer. The governor had his valise in hand ready to start, but the ardent emissary of Omaha persuaded him to "wait for the next boat."

arms," was further cherished through a decade, until its power was triumphantly asserted in 1867 by the creation of a new capital called Lincoln.

On Friday morning, January 8, Mills S. Reeves, of Otoe county, moved that the Council adjourn to meet at Florence at 11 o'clock A. M. on Saturday, but the president, George L. Miller of Omaha, refused to entertain the motion on the ground that under the organic act such adjournment would be valid only by concurrent action of the two houses and the sanction of the governor. This was virtually begging the question. The organic act provided that "the governor and legislative assembly" should locate and establish the seat of government at such place as they might deem eligible, "which place, however, shall thereafter be subject to be changed by said governor and legislative assembly." Governor Richardson construed this provision as meaning that, "Omaha City must, then, continue to be the only legal place of holding the sessions of the legislature, unless some other place is fixed upon by the joint action of the 'governor and legislative assembly.'"<sup>4</sup> But the Florence body entered a plea in avoidance which, if not conclusive, is plausible; and if it cannot be positively established, neither can it be overcome.

The legislature once having met and organized at the seat of government, we know of no law, either organic or special, prohibiting them, either directly or by inference, from temporarily adjourning to some other place, should their safety demand it.

The secretary of the territory gratuitously sought the opinion of the territorial attorney upon the question

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<sup>4</sup> Council Journal, fourth session, page 147.



of the validity of the procedure of the legislature. The request and the opinion follow.<sup>5</sup>

## HOUSE OF REPRESENTATIVES.

Omaha City, January 8, 1858.

E. ESTABROOK, Esq.,

*United States District Attorney for Nebraska.*

MY DEAR SIR—

To-day a majority of the House and Council of the legislative assembly of Nebraska, upon independent motions in each body adjourned to meet to-morrow at Florence. It is my impression that this step is not authorized by law—that the legislative assembly could only make such adjournment legal by a joint resolution. And it is further my opinion that any semblance of legislation which they make at Florence, will be without legality and null and void. But my action in this matter shall be guided not by the action of a majority of my colleagues—for they may be wrong—but by the law in the case.

I know that in differing with a majority of the Representatives from my own county, I take upon myself a great responsibility, and that I shall have to contend with great odds. But I shrink from no responsibility however great, and desire to evade no battle before the Sovereign people, however desperate, when my duty and the law require me to act. Having however some little mistrust of my own idea of the law, and great regard for your knowledge of the same; I ask you for your legal opinion concerning this matter in all its details.

An early reply will much oblige.

Very truly yours,

J. STERLING MORTON.

OMAHA, Jan. 15, 1858.

HON. J. S. MORTON,

*Dear Sir.*—Your note of the 8th inst., handed to me on the day it bears date and to which I gave you then a verbal reply, I have since had the opportunity more fully to consider and I now submit my opinion in writing, confirming and more fully demonstrating the views I then expressed on first impressions. The facts as you mention them are that a majority of the Council and House of Representatives, each by a separate

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<sup>5</sup> These two letters are copied literally, including spelling, capitalization and punctuation, from *The Nebraska News* of January 23, 1858.

motion and without any concurrent action between those bodies, or between those bodies jointly and the Executive, adjourned to meet at Florence, and the question you present is as to the validity of any acts that may be passed by those two bodies so assembled? This is a question of law, like any other legal proposition, and must be considered in the light of both principal [principle] and precedent. An examination of the books reveals a very great dearth of precedents directly in point. And I presume for this reason, the annals of legislation in the United States record no instance where a legislative body ever before entertained the strange and anomalous idea that they could convene and pass acts having the force and efficacy of law at any other place than that which at the time was, colorably at least, the seat of Government. A case more nearly in point than any other which has fallen under my observation, arose in Oregon, by the 15th section of the act of Congress organizing that territory, passed August 14th, 1848, it was enacted "that the Legislative Assembly of the Territory of Oregon shall hold its first session at such time and place in said Territory as the Governor [thereof] shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Legislative Assembly shall proceed to locate and establish the Seat of Government for said Territory, at such time and place as they may deem eligible," &c. The act also declares that "to avoid improper influences, which may result from intermixing in one and the same act, such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title," and provided that any act passed in violation of this provision shall be "utterly void."

Under this authority, the Governor convened the first session at Oregon City. At this session the Legislature passed an act establishing the Seat of Government at Salem, and in the same act embraced several other objects. By their organic act the concurrence of the Governor was not necessary to the validity of an act to locate the seat of Government. At the time appointed for holding the next session, 18 out of the 22 members of the House and 8 out of the 9 members of the Council assembled at Salem, and the balance met at Oregon City, adjourning from day to day for two weeks when they adjourned *sine die*. The question of the validity of acts passed by members assembled at Salem, and which is the same question you present to me, came before the Supreme Court of that Territory for adjudication. The opinion of the United States District Attorney for the Territory was also taken. The whole matter was subsequently laid before the President of the United States, who required the opinion of the Attorney Gen-

eral. The opinions of the Supreme Court; the District Attorney and the Attorney General of the U. S., all concurred in regarding the assemblage at Salem as illegal and all their acts as void. Congress adopting and acting upon same view of the question, afterwards passed an act expressly locating the Seat of Government at Salem, but refusing to ratify any acts passed at that place.<sup>5a</sup>

I presume it is not contended that by the action of the two bodies as stated in your note the "Seat of Government" was changed from Omaha to Florence.—Something more than the independent and separate action of these two bodies was necessary to effect the change. The Supreme Court of Oregon in the decision above referred to, speaking of this question says: "The power of locating and establishing the Seat of Government, as well as of removing it when established, remains in the legislative assembly. And how may they do this? In the same manner that a legislative body may do any lawful act; that is, by the passage of a law. Did the legislative assembly at that session pass any law upon this subject?"

The Seat of Government being at Omaha, the only question is, can the legislature meet at any other place and pass acts that will be binding as law? Upon this point Chief Justice Nelson in the above mentioned opinion says: "Now, the Seat of Government is the place where the legislative body may lawfully assembly and enact its laws."

And Justice Strong, his associate, remarks: "The first proposition to be determined is, what does the term 'Seat of Government' mean? A concise but sufficiently comprehensive, definition of the term is, that it is the place where the law making power can legally assembly for the purpose of enacting laws. If the Legislature can assemble at any place within the Territory and there make legal and binding statutes, and that for this purpose one place is as good as another, then there is no seat of Government, for there would be nothing settled about the place and the very term implies stability, or something settled. It must then mean some place, either permanent or temporary, where, and where *alone*, the members of the Legislative Assembly can meet and act in a legislative capacity."

This opinion expresses my views in language more clear than I could express. It would, indeed, be difficult to comprehend the signification or necessity of a Seat of Government if it is not the place whence the laws which are to govern the community are to emanate. It is there that the records of Government are kept, and it is there that the citizen may meet

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<sup>5a</sup> Erroneous; see footnote 8.



his representative and advise him of his wants or avail himself of his sacred right of petition. That right guaranteed by the constitution of the United States would be of little moment to one who brings his petition to the Seat of Government, and failing to find his representatives there is compelled to pursue a fugitive legislature to Florence, and thence to any other place where the interest, prejudice, or caprice of the members might prompt them to seclude themselves. In view of the premises therefore, I do not hesitate to say that in my opinion all acts passed by the majority of the legislature at Florence are void, having no more binding force than a code of resolutions passed by any other like number of men of equal wisdom and intelligence, voluntarily assembled at some place of their own choosing. Nor would those acts be valid had the whole legislature met at Florence and acted with the majority and had they been approved and concurred in by the Executive of the Territory.

I have the honor to be sir,

Very Respectfully,

Your obedient servant,

E. ESTABROOK.

To HON. J. STERLING MORTON,

Member House of Representatives, Nebraska.

Lawyerlike, the attorney-general assumed that he must cite precedents to sustain his predestined contention, and it was their extreme scarcity, doubtless, that prompted him so recklessly to adapt the Oregon case to his predetermined purpose. Rightly stated the case would not have been at all relevant; and, whether through misapprehension or other fault, it is wrongly stated, both by omission and commission. The Nebraska question was whether the legislature might legally proceed with its business, temporarily, at another safe and convenient place in the territory when it could not safely proceed with its business at the capital, except on compulsion. In the Oregon case it was admitted that the legislature had regularly transferred the capital from Oregon City to Salem, and for its next session the legislature—or most of it, constituting a clear quorum—ac-

cordingly assembled at Salem. The case is summed up by Oregon historians as follows:

The issue was squarely joined with the meeting of the legislature the first of December, 1851. The Democratic members, greatly in the majority, gathered at Salem in accordance with the provisions of the location bill. The Whig minority held the latter to be void and four members of the house and one of the council met at Oregon City. Party alignment was definitely made on the issue. The supreme court became involved in the political controversy. The act of Congress organizing the Territory required the court to hold annual sessions at the capital. The time for the session arrived and the two Whig judges, Wm. Strong and Thos. Nelson, constituting a quorum, met at Oregon City; the Democratic judge, O. C. Pratt, who had been appointed by President Polk, at Salem. This fact greatly emphasized the partisan nature of the contest. Bush and the Democratic leaders had played their game cleverly. They had made an issue between the elected representatives of the people on one hand and the disliked, appointed officials on the other. Always quick to resent outside interference in their affairs, the majority of the people rallied to the support of the legislature at Salem which had organized and proceeded with business. The controversy became violent and was by no means allayed at the adjournment of the legislature or even by the act of the next session of Congress which confirmed the location bill and legalized the Salem session of the legislature.<sup>6</sup>

. . . This opinion was concurred in by Messrs. Justice Nelson and Strong, while Mr. Justice Pratt dissented, claiming that the act did not contain more than one subject. The people generally believed that Pratt was right, and when the time arrived for the next session of the legislature it found a large majority of both houses and one Justice of the Supreme Court sitting at Salem, with the rest of the supreme bench, the Governor and his appointees sitting at Oregon City.

The situation was a difficult one, and it was not relieved until on May 4, 1852, Congress settled the matter by confirming the "location" act and went on to declare that all proceedings had under it were done in conformity to law.<sup>7</sup>

In order to sustain his position with regard to the location act, Gaines appealed for an opinion to the attorney-general of

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<sup>6</sup> W. C. Woodward, *Political Parties in Oregon. Quarterly Oregon Historical Society*, March, 1911, page 44.

<sup>7</sup> W. C. Winslow, *Contests Over the Capital of Oregon*, *Ibid.*, June, 1908, page 174.

the United States, who returned for an answer that the legislature had a right to locate the seat of government without the consent of the governor, but that the governor's concurrence was necessary to make legal the expenditure of the appropriations, which reply left untouched the point raised by Gaines, that the act was invalid because it embraced more than one object. With regard to this matter the attorney-general was silent . . . His enemies ceased to deny the unconstitutionality of the law, admitting that it might prove void by reason of nonconformity to the organic act, but they contended that until this was shown to be true in a competent court, it was the law of the land; and to treat it as a nullity before it had been disapproved by congress, to which all the acts of the legislature must be submitted, was to establish a dangerous precedent, a principle striking at the foundation of all law and the public security . . . The majority of the people were on the side of the legislature, and ready to denounce the imported judges who had set themselves up in opposition to their representatives . . . The president [Millard Fillmore] in order to put an end to the quarrel recommended congress to fix the seat of government of Oregon either temporarily or permanently, and to approve or disapprove the laws passed at Salem, in conformity to their decision in favor of or against that place for the seat of government . . . Accordingly congress confirmed the location and other laws passed at Salem, by a joint resolution, and the president signed it on the 4th of May.<sup>8</sup>

The statement in Bancroft's history, quoted above, that the opinion of the attorney-general "left untouched the point raised by Gaines, that the act was invalid because it embraced more than one object" is erroneous, for the opinion rested upon that very point.<sup>9</sup>

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<sup>8</sup> Bancroft, History of Oregon, volume II, pages 160, 162, 171. United States Statutes at Large, volume X, page 146. " . . . whereas doubts have arisen as to the validity of said act . . . the same is hereby ratified, approved, and confirmed."

Sec. 2. *And be it further resolved*, That the late session of the Legislative Assembly of said Territory, held at Salem, in conformity with the provisions of the act above referred to, be, and the same is hereby declared to have been held in conformity to the provisions of law.

<sup>9</sup> For this opinion see Executive Documents, first session thirty-second Congress, volume IX, document 94, pages 5-6. The attorney-general was John J. Crittenden, who was afterward distinguished by



The Florence legislature, speaking through its joint committee of the two Houses, technically differentiated its case from the Oregon case: " . . . the legislative assembly now in session at Florence has never assumed that the seat of government of our territory had been removed from that place, but have only claimed the right of the legislature convened at the seat of government to adjourn for good causes to some other place, and there proceed to discharge its particular function."<sup>10</sup> Whether or not this is a sound distinction rests upon the decision of reason. The contention of Governor Richardson and of certain of the disputants in the Oregon case that sessions of the legislature must be confined to the capital, because to permit any exception would unsettle or undermine the principle that the capital of a state is the proper place to do the business of the state and that capitals are instituted for that purpose, is plausible but not conclusive of the whole question. The powers of legislatures are more nearly sovereign than the powers of departments of governments, and as public intelligence, and

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being instrumental in holding Kentucky in the Union and his pertinacious attempt to prevent the Civil War. The same document contains also the act which located the capital at Salem. Governor John P. Gaines's statements of the case to the legislature and to the president of the United States, the majority opinions of Justices Nelson and Strong, and the dissenting opinion of Justice Pratt. A copy of the memorial of the legislature to Congress, containing a statement of grievances against the appointive executive officers and judges, and praying for the passage of an act authorizing the electors of the territory to choose them, is published in House Miscellaneous Documents, first session thirty-second Congress, document 9. The adverse opinion of the attorney for the territory, Amory Holbrook, and a note from Daniel Webster, secretary of state, to Governor Haines, which says that the president fully concurred in the opinion of the attorney-general, is printed in document 96, Executive Documents, first session thirty-second Congress, volume IX.

<sup>10</sup> History of Nebraska, volume I, page 331.

public opinion consequently, grow more self-confident and assertive, the powers of legislative bodies are relatively increased. The political power of the single popular house of the English parliament is now recognized as absolute, and in our own country the courts are becoming less inclined to interfere with legislative enactments. By a bald and audacious fraud the criminal laws of the territory had been repealed at the next preceding session, and other laws supplied by the Florence legislature were greatly needed. It is at least an open question whether in these extraordinary conditions it would have been wiser to concede the validity of the temporary adjournment to Florence and thus avoid the alternative delay and expense of calling an extraordinary session. Though the governor refused to sign the bills passed at Florence, he failed to return them according to law, and it seems that, aside from other questions of validity, they became technically valid without his signature. Mills S. Reeves, of Nebraska City, who was recognized as an able and influential member of the Council, gave the following account of the governor's disposition of the bills.

EDITOR NEWS:

In your paper of the 13th, is an article with the above caption, which needs a passing notice, for the purpose of "vindicating the truth of history."

In the article alluded to I find the following language:

"But the Governor says he distinctly refused to recognize them, (the bills passed at Florence I presume) and upon the back of each document wrote as follows: 'This paper was left in my room on yesterday, Jan. 13th, 1858, after I had refused to receive it. I neither veto nor approve it; but respectfully return it.

Jan. 14, '58. W. A. RICHARDSON.' "

Now as I was a member of the enrolling committee of the Council, I wish to state the *facts* in relation to the presentation of those Florence bills to the Governor, and let the people judge how they were "received." and who is at fault that we

are now suffering the want of just and equitable laws, for the protection of life and property, and the administration of justice.

The committee on enrolled bills in the Council was composed of Mr. Allan and myself. In the House it was composed of Messrs. Taggart, Hail and Abbe.

On the 13th of January, Mr. Taggart, Mr. Hail, and myself waited on the Governor, at his room in the Hamilton House, and presented him all the bills passed previous to that date at Florence, except one which was presented to him by Mr. Abbe on the same day, but at a later hour. I made a memorandum of what transpired at our interview with the Governor, from which the following is an extract, and will be certified to as truth by every member of the committee.

"The Governor was notified by Mr. Allen, immediately after our introduction to him, that we were the enrolling committees of both branches of the Legislature.

"The bills which originated in the Council were in one bundle, and were presented to him by Mr. Allan; and the bills which originated in the House, were in a separate bundle and were presented by Mr. Taggart.

"The Governor took the bills from out of our hands and observed that he should take no action on them. When reminded by me that the Legislature would consider them laws if not returned within three days, and being asked whether in that case he would file them in the Secretary's office, he answered that it was a matter which required consideration."

After mature "consideration" the Governor concluded that the papers were "left at his room after he had refused to receive them, and that he would respectfully return them." But how did he return them? and to whom? Certainly not to the House in which they originated, nor to either House separately; nor to both Houses jointly. They were never returned to the Legislature at all, and were never before that body or either branch of it, after their presentation to the Governor.

The "respectful return" was made as follows:

On the night of the 14th of January, about 9 o'clock, while some half dozen members of the Legislature, and others were sitting around a table in the parlor of the Willett house, some reading, and others writing, Mr. Howard, the Governor's private secretary, stepped into the room and threw down a large package, remarking: "Gentlemen, the Governor has sent your bills back."

Now, with these facts before him, who can believe that the Governor "refused to receive them and respectfully returned them"



As stated before, I wish the facts to go before the people and let them form their own conclusions. Had the Governor recognized the acts of the Legislature, we would now have in force all the laws, except one, mentioned in your paper of the 6th, as being necessary for the prosperity of the country; for such acts were among those presented to the Governor. It is believed by many eminent jurists that those acts *are* laws; but if they are *not* it is no fault of the legislative branch of the Government.

But if it is necessary to cure all doubt that an extra session be called; is it necessary that the "majority" will stultify themselves by making "promises" and "pledges" to the Governor in advance? Is it expected that they will surrender the *rights* of the people for the inestimable privilege of returning to Omaha to be insulted and cheated out of their rights? I can hardly think that the Governor would require such promises, but if he should, I for one will never make them. I am ready to pledge myself to the people and obey their behests; but I owe allegiance to no other power.

I am willing to return to the Capitol and labor faithfully, earnestly and peaceably for the enactment of all laws which are calculated to promote the prosperity of Nebraska and the happiness of her people; but I must be free and untrammelled save by the voice of my constituents.

Thus, Mr. Editor, I have answered for myself your question. "Shall we have an extra session?"<sup>11</sup>

That the territorial attorney, presumably an impartial judicial officer, should have cited the irrelevant Oregon case as relevant and in contravention of the validity of the Florence legislature is not praiseworthy; but perhaps he passed by the relevant Kansas cases unwittingly. In the Kansas-Nebraska act Congress authorized the governor of each territory to designate the place where the general assembly should first convene and directed the Nebraska assembly and the governor to "locate and establish" the permanent seat of government, while in the case of Kansas it provided "that the seat of government of said territory is hereby temporarily located at Fort Leavenworth." The fact that

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<sup>11</sup> Copied literally from *The Nebraska News* of February 20, 1858.

this distinction was made in the joint Kansas-Nebraska bill shows that Congress intended to reserve to itself the right to locate the capital. In his message vetoing two bills passed by the first territorial assembly at the Shawnee Mission, on the ground that the bills were invalid because the assembly removed the seat of government temporarily to that place, Governor Reeder expressed a like opinion.<sup>11a</sup>

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<sup>11a</sup> House Journal K. T. 1855, page 67; Kansas Historical Collections, volume V, page 211. "It will thus be seen that although Congress gives to the Legislature the power to determine the time when the assembly shall thereafter meet, they do not confer power to fix the place . . . congress chose to retain and exercise this power themselves."

Governor Reeder explained his veto of the act to remove the seat of government to the Shawnee Manual Labor School as follows:

"By the organic law, the Governor was vested with the power to fix the place for the meeting of the first Legislative Assembly. By the same law, Congress themselves fixed the temporary Seat of Government, and by act of March 3, 1855, they conferred upon the legislature the right to fix a permanent Seat of Government. The power of the legislature is thus clearly defined. Congress has chosen to confine one branch of this subject to the Governor, to retain another for themselves, and to commit the third to the Legislature." (House Journal K. T., 1855, page 29.)

In the preface of volume I, page vi, of the supreme court reports of the territory of Kansas, the following account of the adjournment occurs:

"The first legislative assembly convened at Pawnee, on the 22nd day of July, 1855. After organizing, it adjourned to the Shawnee Manual Labor School, where it proceeded to enact a body of laws for the government of the territory." The first session of the court convened at the same place, July 30, 1855. The United States territorial attorney, on the first day of the session, presented a concurrent resolution of the House and Council asking the attorney "to advise the legislative assembly, whether, in his opinion, the act providing for the temporary session of the legislature, at the Shawnee Manual Labor School, is valid, and whether the adjournment of the assembly to this place, in pursuance of such act, was legal . . ." (page vii.) The court decided that it would respond as judges, but not as a court. "It does not appear what response the two judges made, but as they subsequently indirectly acknowledged the validity of the laws passed at the Shawnee Manual Labor School, it is reasonable to presume that they

The three judges of the supreme court of the territory concurred in an opinion that the legislature had the power to change the place of holding its meetings during a session. "Nor does it"—the organic act—"contain a prohibition to legislate elsewhere than at the seat of government. Upon this point it is entirely silent." So it might have been said of the twin Nebraska act. The judges cited precedents of the English parliament and of our own colonial Congress.<sup>12</sup> The fact that the judges belonged to a faction which desired to validate the removal does not vitiate their reasoning or the precedents cited. In an address delivered at Lawrence on the third of September, 1884, Ex-Governor James W. Denver acknowledged the right in question. Speaking of the adjournment of the legislature of 1858, to remove the capital from Lecompton to Minneola, he said: "They had a right to move from place to place to hold their sittings, but they had no right to remove the capital of the territory."<sup>13</sup> This dictum was doubtless based upon the opinion of the attorney-general of the United States—Jeremiah S. Black—dated November 20, 1858, which allowed great latitude to the legislative assembly:

The organic act of Congress is to a territory what the constitution is to a state. The acts of a territorial legislature are

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gave as their opinion that they were valid." (Ibid., page viii.) Justice Johnson refused to express an opinion. "The passage of this act was forced on the legislature for the reason that at Pawnee there was no place of accommodation and members had to camp out, sleep in their wagons or tents, and cook their own provisions."

The removal bill was entitled, "An act to remove the seat of government, temporarily, to the Shawnee Manual Labor School in the Territory of Kansas." (House Journal K. T. 1855, page 11.) This bill was passed over the governor's veto almost unanimously, and then a concurrent resolution to meet at Shawnee July 22, 1855, was adopted.

<sup>12</sup> Kansas Historical Collections, volume V, pages 213-222.

<sup>13</sup> Ibid., volume III, page 169.



valid and binding when passed according to the proper forms, if they are within the powers conferred by the act, but anything there forbidden is void and unauthorized. If Congress passes a subsequent law on the same subject limiting or extending the power of the local territorial government, it operates like an amendment to the constitution. In the case of Kansas, Congress did not decide where the permanent seat of government should be, but located it temporarily at Leavenworth. The territorial legislature, then, had power to remove it as they saw proper, either for a short time or for all time. But Congress, when the appropriation of 1855 was made, required, as a condition precedent to the payment of the money, that the seat of government should be permanently located, and left the territory, through its legislature, to do that for itself. Making a permanent location certainly did not mean a designation of a place merely for the purpose of getting the money, and then making another change. The plain word of the law, as well as a decent respect for their own good faith, required that before they would ask for the money they should indicate by an irrepealable law the spot at which the seat of government should be and remain, at least during the whole existence of the territorial government.

The legislature so understood it themselves, and when they decided upon Lecompton they expressly declared that to be the permanent seat of government. In my opinion, the territorial legislature had no right afterwards to repeal that law and take the seat of government away from Lecompton. Such a removal, if carried out, would defeat the manifest intention of Congress, violate the spirit of the act, and be a fraud upon the United States.<sup>14</sup>

Thomas Johnson, notorious in early Kansas, recited under oath on the fifth of June, 1858, certain statements that Governor Reeder had made to him, among them this:

But he supposed that if he did convene at Pawnee and found that he had not suitable accommodations, that he would adjourn to some other place; and said if that should be the case he would acquiesce and go with us. He said that if the wording of the Kansas bill had been the same as that of Nebraska, there would be some doubt as to our right to adjourn to another place. But the language of the Kansas bill being

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<sup>14</sup> *Ibid.*, volume VIII, page 342, note.

entirely different, no question could be raised on that subject.<sup>15</sup>

But Governor Reeder discovered a distinction lacking a material difference. The Nebraska bill provided that "at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly."

The governor and the legislative assembly interpreted this provision to mean that they should proceed to carry it out by the passage of a bill in the ordinary form, including the signature of the governor, thus:

#### AN ACT

To locate the Seat of Government.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Nebraska*, That the seat of government of said territory is hereby located and established at Omaha City, in the county of Douglas and Territory of Nebraska.

Approved January 30, 1855.<sup>16</sup>

As we have seen, in the Kansas bill Congress itself established the seat of government, temporarily, at Fort Leavenworth; but on the third of March, 1855, it appropriated \$25,000 for the purpose of constructing the necessary buildings for the capital on the condition that no part of it should be expended "until the legislature of said territory shall have fixed by law the permanent seat of government."<sup>17</sup> And—August 8, 1855—the legis-

<sup>15</sup> Report of The Special Committee On the Troubles in Kansas, thirty-fourth Congress, first session, page 1186.

<sup>16</sup> Laws of Nebraska 1-3 Ter. sessions, page 202, first session.

<sup>17</sup> United States Statutes at Large, volume X, page 635.

lature proceeded to comply with this condition by bill in the usual form, precisely as the Nebraska legislature had done, wisely construing the authority granted to the legislature to include the usual approval of the governor.<sup>18</sup> The general assembly which convened at Lecompton, the capital, January 2, 1860, soon after organizing passed a joint resolution to adjourn to Lawrence and there continue the session. On the fifth Governor Medary vetoed the resolution, but the House promptly overrode the veto by a vote of 22 to 7, and on the sixth

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<sup>18</sup> A concurrent resolution that the two houses should meet in joint session on the eighth of August, to select the place for the permanent seat of government, was introduced in the House of Representatives on the third of August, 1855, and was passed immediately under suspension of the rules. It was passed in the Council on the same day. (House Journal K. T. 1855, page 162; Council Journal, page 109.)

Immediately before proceeding to ballot for locating the capital, the houses in joint session passed the following resolution: "*Resolved*, That we bind ourselves to support, in our separate sessions, that point for the permanent seat of government which may be selected by this joint session." (House Journal 1855, page 186.) At the outset there were nine contestants; but on the third and last ballot they were reduced to three,—Lecompton, St. Bernard, and Tecumseh. A bill entitled "an act to locate the seat of government" was introduced in the Council August 13 and passed August 15. It was passed in the House the same day, immediately after its reception. (Council Journal, pages 137, 155; House Journal, page 229.) The bill was duly signed by the acting governor, Daniel Woodson. (Council Journal, page 197.)

The first section of the act is as follows:

*Be it enacted by the Governor and Legislative Assembly of the Territory of Kansas, as follows:*

The permanent seat of government of the territory of Kansas is hereby located at the town of Lecompton, on the south bank of the Kansas river, opposite the mouth of the Grasshopper creek." (Statutes Kansas Territory, 1855, page 703.)

Section 1 of the act temporarily changing the seat of government from Pawnee was as follows:

"Until the seat of government is located by law, the sessions of the legislative assembly shall be held at the Shawnee Manual Labor School, in the territory of Kansas." (Ibid.) This act has the same enacting clause as that quoted above.



the Council did likewise by a vote of 9 to 4. The assembly convened at Lawrence the next day and continued in session there until final adjournment on the eighteenth.<sup>19</sup> On the same day the governor issued a call to convene the assembly at Lecompton on the nineteenth, but it immediately voted to adjourn on the twentieth and meet at Lawrence the twenty-first, where it continued in session until February 27.<sup>20</sup>

The laws passed at these adjourned sessions were accepted as valid. In his first veto message the governor contended that

Lecompton, where the law requires you to meet, is the Capital of the Territory, and as it is the custom and the law of the Nation, and all the States and Territories, for the Legislative Assemblies to hold their sessions at their Capitals, there should be some extraordinary reasons for the Territory of Kansas to be made an exception to the general rule . . . They generally consist of war, of pestilence and of famine.<sup>21</sup>

The Florence legislature had shown that there was no law binding the assembly of Nebraska territory to hold sessions only at the capital; and the Kansas assembly in question gave a strong extraordinary reason for adjourning to Lawrence:

. . . WHEREAS, There is at said Capital such a deficiency of suitable rooms, hotel accomodations and other conveniences, as seriously to interfere with the progress of Legislative business, and

. . . WHEREAS, a sufficient guaranty has been offered, in

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<sup>19</sup>House Journal K. T., pages 88-90; Council, *ibid.*, page 46; House, *ibid.*, page 162.

<sup>20</sup>Council Journal K. T., special session January 19 to February 27, 1860, pages 3, 7; House Journal, page 13; Council Journal, page 666. The governor vetoed this second resolution to adjourn to Lawrence, but the veto was again overridden. Council Journal, page 30; House Journal, page 40.

<sup>21</sup>Council Journal, page 39.

writing, . . . that no expense whatever shall accrue to the territory by a removal to the City of Lawrence . . .<sup>22</sup>

Citizens of Lawrence guaranteed in writing that suitable halls and offices for the legislature would be provided without cost to the territory and payment of the expense of the removal of members, furniture and other property. The *Nebraska Advertiser*<sup>23</sup> ineffectively cited the Kansas precedents of 1855 and 1858. Indeed, throughout the first fifty years of the political life of these two comonwealths popular opinion commonly prevailed in Kansas while it was commonly disregarded and subjugated in Nebraska. The insurgent tendency and persistence in Kansas was doubtless an incident or corollary of the passionate issue of human slavery which was wanting in Nebraska. In the temerarious task of overcoming the adversities of the putative trans-Missouri desert people were inclined unduly to lean on leadership however tyrannical and oppressive. While the legislative bodies of Kansas boldly and successfully flouted the opposition of alien executives, the like bodies of Nebraska submitted to their domination. Furthermore, Governor Richardson was the most important and conspicuous political figure among the frontier territorial governors of that period, and he was uncommonly influential among the relatively timorous people of Nebraska, which was treated as an experiment station rather than a stable, soul-inspiring land of promise. The trusted governor's intention to call an early session of the legislature promised a speedier and surer way to the needed laws than the course of litigation which would have been necessary to establish the Florence enactments; and sober reflection

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<sup>22</sup> Ibid., page 27.

<sup>23</sup> February 11, 1858.

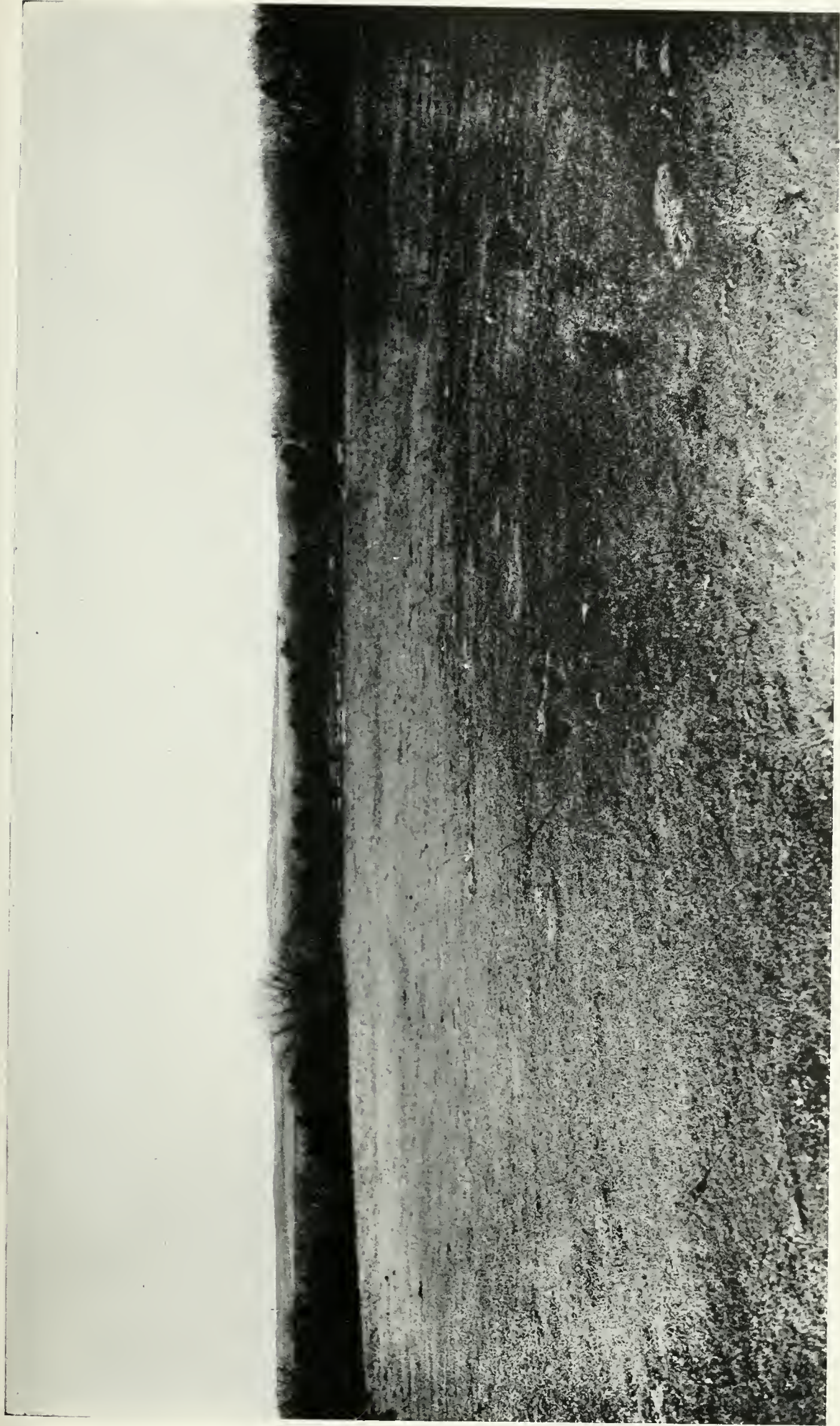
must have convinced many of the capital removalists that their project was a very difficult and hazardous method of getting even with hated Omaha.

And yet the enchanting prospect from the crown of "Capitol Hill" thrills even a prejudiced Lincoln pilgrim to Neapolis with a pang of regret that her Florence authors had not the Kansas courage of conviction to have become also the finishers of their bold enterprise. The perfect harmonies of the scene recall the old argument of creative design. Furthermore, the site was not merely intrinsically perfect, it was in all respects eminently eligible. A contemporaneous description of the site of Neapolis is fortunately preserved, in a prospectus of the new capital by a correspondent of the *Pacific City* (Iowa) *Enterprise*, writing under the date of May 25, 1858, and whose communication was published in the issue of June 10, 1858.

Although the Territory has been opened to immigrants but four years, a Railroad is already seriously talked of, to run up the Platte Valley, starting from Plattsmouth, on the Missouri river, and terminating at a point known as Cedar Bluffs. A Company has been organized to push forward this grand enterprise, and the surveys will be made during the summer. The route contemplated is unexceptionable—almost a natural grade.

Another great inducement to settlers, is the fact that at the last session of the Territorial Legislature, a bill passed for the relocation of the Capital, and in that bill the boundaries were so fixed that the seat of Government must be located not less than fifty miles west of the Missouri, and not more than six miles from the Platte river, north or south. The bottoms on the north side of the Platte are but seven to ten miles wide and very low; therefore, it is not reasonable to suppose that the Capital can be located on that side. On the south side, about sixty miles from the Missouri river, the high plains reach to the Platte, with an almost imperceptible slope, the most elevated land being not more than sixty feet. In the above named vicinity, within half-a-mile of the river, is a beautiful elevation, that appears more like an artificial mound than the work of nature. This elevation rises gently from all sides to the





View from Capitol Hill Looking West. Platte River in the Distance.  
Neapolis site, three miles northeast of Cedar Bluffs. Photographed February 17, 1917.



height of about forty feet above the level of the valley, and on the top is a flat surface, embracing four or six acres, which really seems as if nature had fixed that mound for the Capitol buildings of the Territory.

The bill, re-locating the Capital, also named the place, which is "NEAPOLIS."

Extensive improvements have already been made in the vicinity of Neapolis. Houses are being erected, prairie broken, preparatory to opening farms, and settlers are flocking in rapidly. A steam sawmill is in successful operation, having already cut out and sawed some 70,000 feet of oak and walnut lumber, and the appearance of things generally would lead one to suppose that the day is not far distant when "NEAPOLIS" will be called the "Queen City" of Nebraska.

The *Nebraska Advertiser* of February 4, 1858, said:

The commissioners were named in the bill, viz: S. F. Nuckolls of Otoe, W. D. McCord of Cass, John Finney of Sarpy, and Elisha N. Hamilton of Washington. They are to proceed at as early a day as practicable and locate within boundaries, from east to west, between the Guide Meridian and the Sixth Principal Meridian; and within six miles of the Platte river, on either the north or south side. The entire town site is to belong to the Territory; one third of the lots to be sold the first year, the proceeds of which are to be expended in the erection of suitable public buildings for the accommodation of the Legislature and Territorial officers.

Nebraska City, watchfully waiting for a chance to capture the capital, naturally regarded the Neapolis project with disfavor. On February 20, 1858, *The Nebraska News* announced that, "Companies of enterprising gentlemen from Plattsmouth and Glenwood, have been out taking up lands near unto where the new Capitol is to be located. The issue of February 27 gave further particulars under the sarcastic headline, "Taken Up By Actual Squatters":

It is truly gratifying to observe how the lands about the new Capitol of Nebraska are being filed upon by actual residents. On the 26th day of January, 1858—in one day, there were eighteen settlements made in township 17 range 7.

By examining the Register's Books at this Land Office, we find, too, that the class of men who are about making farms



there is a very superior class for the agricultural advancement of the Territory.

Among those who filed on lands in town 17 range 7 on the 3rd day of Feb. we notice the names of those thrifty and energetic farmers and stern opposers of speculation, Columbus Nuckolls, on S. E. 1-4 Sec. 26; Hon. Edwin A. Donelan, on N. E. 1-4 sec. 26; Lowden Mullen, on S. W. 1-4 sec. 26. And then again we find that on this same 3d day of February 1858, Lafayette Nuckolls, William E. Donelan, Samuel H. Elbert, Samuel H. Moore and eleven others filed upon lands in this same township. It gives us great pleasure to know that our inland country is to be taken up and improved by such energetic and worthy men. They will undoubtedly put down all speculation and such like abominations in that section of Nebraska. And we feel safe in predicting that the Capitol of Nebraska located on about the N. W. 1-4 of section 26 in township 17 range 7 would prove of great and lasting benefit not only to Hon. Edwin A. Donelan and many other patriotic members of the late Legislature, but to Nebraska, to the Union, and to the world.

This is what the people require. They desire a Capitol located without fraud—located not for the benefit of speculative politicians and we see the present indications are good for this much desired result.

Some persons have very unbecomingly hinted that from the names of the squatters above mentioned they should conclude that there was an African in the collection of fuel—vulgarly, “a nigger in the wood-pile.” But we can assure them that their suspicions are ungenerous, and highly indecorous, for the absolute and determined intention to very definitely settle upon and improve these lands is fully set forth in their declaratory statements.

We trust these settlers at the new Capitol will take warning from the sad experience of Omaha and learn at an early day not to frighten the “animiles” nor in any way disturb them in their innocent amusements, lest they run away.

In the year 1859, Samuel G. Daily contested the election of Experience Estabrook as a delegate to Congress from Nebraska Territory. In the course of the contest, on December 16, Robert Kittle, of Fremont, a well known pioneer, gave important testimony about the status of Neapolis as follows:

I have been in Calhoun county, up and down the river



View from Capitol Hill Looking East.

Neapolis site, three miles northeast of Cedar Bluffs. Photographed February 17, 1917.





some eight or ten miles; there was a settlement there about two years ago of some ten or fifteen persons, close by the river, near a point which was then called Neapolis, about four or five miles northwest from the Pawnee village. I have been there several times since, and the houses or shanties which they had built were entirely torn down, and the people had left more than a year ago. I do not know of any other settlements now, or that have been made within a year in that county.<sup>24</sup>

On December 30, James L. Hindman, testifying in the same case, said that he had lived in Calhoun county from May to September, 1857, and again from May, 1858, to August, 1859.

When I returned there in 1858, I found a settlement there called Neapolis, in the north part of the county, in range 7 and 8, and township 17. The settlement was entirely abandoned in the spring of 1859—every settler left there. From fifteen to twenty men were there laboring and making claims; they all left that county.<sup>25</sup>

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<sup>24</sup> Miscellaneous Documents, first session thirty-sixth Congress, volume V, document 12, page 11.

<sup>25</sup> Ibid., pages 75-76. Calhoun county was included in an act passed by the second territorial legislature, January 26, 1856, "to establish new counties and define their boundaries." (Laws of Nebraska, 1-3 Ter. Session, second session, page 201.) The fourth standard parallel was the northern boundary of the county, and the southern boundary was identical with that of the present southern boundary of Saunders county, except that in 1866 a strip six miles long and two miles wide was taken from Cass county and added to the southeast corner of Saunders. (Special Laws Eleventh General Assembly Nebraska Territory, page 607.) By the act of November 3, 1858, Calhoun county was extended northward to the Platte River by the addition of the fractional townships 17, in ranges 5, 6, 7, and 8. This fraction had belonged to the original Cass county, as designated by Acting Governor Cuming; it was assigned to Green and Lancaster by the first territorial assembly, in 1855; but from the time the boundaries of Calhoun county were defined, in 1856, until its addition to that county in 1858, it remained detached. (Laws of Nebraska, 4-6 Ter. Sessions, fifth session, page 397.) When the Republican party attained full power in the territory the names of three counties, Calhoun, Green, and Izard, which were offensive because they had been given in honor of southern statesmen, were changed, respectively, to Saunders, Seward and Stanton. (Laws of Nebraska,

A remarkable elevation answering to the description copied herein from the *Pacific City Enterprise*, both in appearance and in distance from the river, is situated in the northeast quarter of the southwest quarter of section 23, township 17, range 7. In 1866, Ely Palmer settled on a farm which includes the high land in question, and he still owns it. Mr. Palmer says that when he came to this place there were stakes, marking a town site, cov-

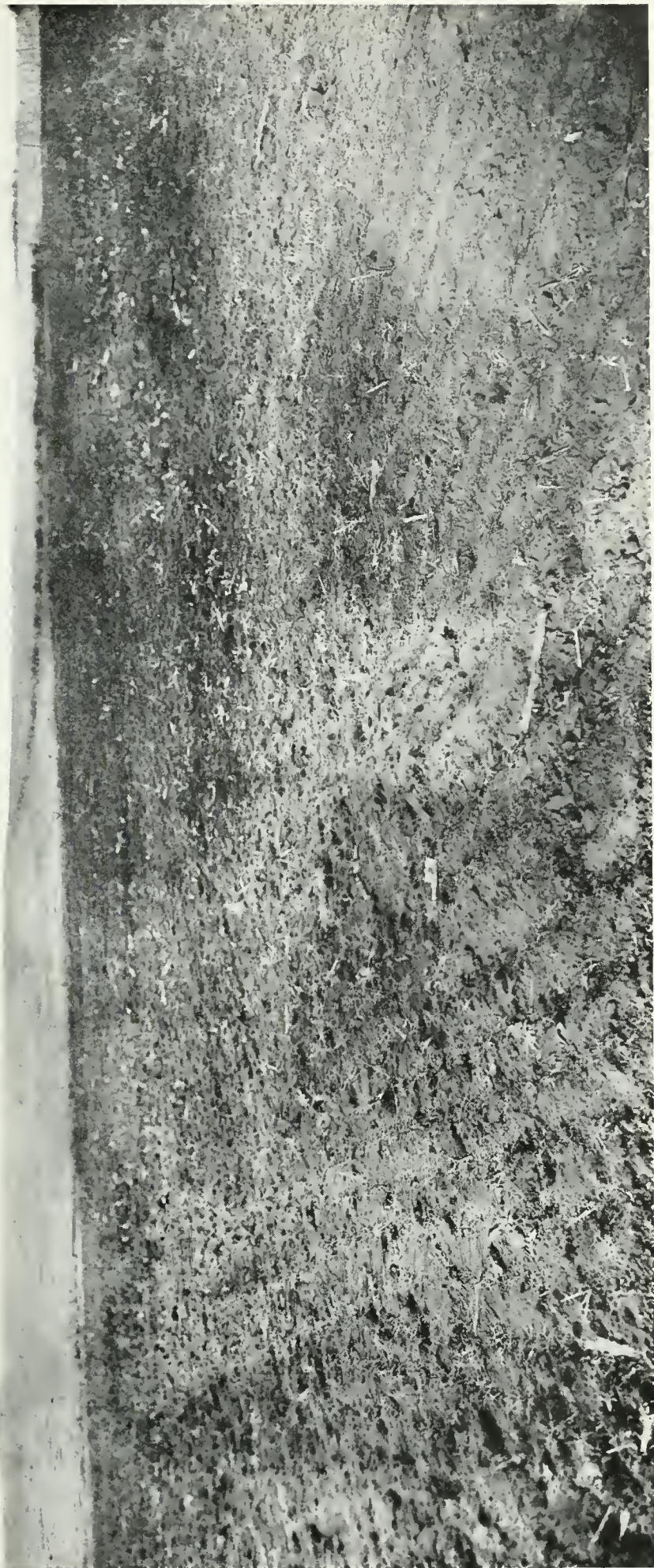
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7-10 Ter. Sessions, eighth session, pages 110, 115, 126.) The present Saunders county contains the same territory as Calhoun contained with the exception of the strip added in 1866.

The report of the committee on elections, Daily vs. Estabrook, finds that Calhoun county "could have been organized," under 'an act to establish new counties, &c.,' "by the proper application to the county commissioners or probate judge (no matter which) of the nearest county on the east. But nothing of this kind was done. On the contrary, it was attached to the county of Platte for election purposes, and constituted a voting precinct of that county." It was the duty of the election officers to send the poll books to the clerk of Platte county. But even this was not done. "Instead of doing it they sent the returns directly to the governor, and they were taken out of the post office by his private secretary, who opened and examined them, and then sent them himself to the clerk of Platte county, with directions to return them with the Platte county returns. This was manifestly a violation of the law. The law of the Territory as also of all the states, has pointed out a particular mode of making election returns, and has designated particular officers who shall open and inspect them. If they are opened and inspected by any others they are thereby vitiated; for if such a practice were tolerated innumerable frauds might be perpetrated, and the popular will defeated." (Report of Committees, first session thirty-sixth congress, volume III, document 446, page 5.)

But this would depend on motive and effect. The committee find a second reason for throwing out the alleged vote of the county. Contestant had proven by competent witnesses that the entire settlements of the county consisted of two families in the northwestern part and four in the southeastern part and the whole voting population was not over six. Yet 32 were returned, 28 for Estabrook and 4 for Daily. The returns had been abstracted from the office of the clerk of Platte county. The committee concluded that the returns were forged. The clerk of Platte county could find no record in his office of a Calhoun county voting precinct, and even the sitting delegate denied that it was so attached.





Capitol Hill Looking West.

Neapolis site, three miles northeast of Cedar Bluffs. Photographed February 17, 1917.





ering the forty acres described above. In a letter to the editor, dated May 18, 1914, the late J. J. Hawthorne, of Fremont, Nebraska, expressed the opinion that the site in question, still known as Capitol Hill, was so called because the commissioners who, in 1867, chose Lincoln for the capital, looked with favor upon it, and that Neapolis was on the high ground about two miles farther east. Mr. Hawthorne argues plausibly, in support of this opinion, that the sawmill would naturally be built close to the town for which it was designed to supply lumber—and it was situated on the river bank just below his preferred site of Neapolis, in the northwest quarter of the northeast quarter of section 29, township 17, range 8. He says that a town site called Buffalo was established, subsequently to the Neapolis incident, about a mile east of Capitol Hill, on land now included in the Jack Staats farm. The township plat, in the office of the commissioner of public lands and buildings, contains the boundary of Buffalo. It was nearly a mile in length, east and west, and two-thirds of a mile north and south. It lay chiefly in section 26—immediately south of section 23 which contained a part of the site of Neapolis—but it extended eastward into section 25 about an eighth of a mile, and its north boundary was a little more than an eighth of a mile south of the line between sections 23 and 26. Moreover, the plat discloses that the township lines of this township were run in August and September 1857, and the subdivisions between September 25 and October 12, 1857; so that Buffalo was laid out a long time before the site of Neapolis was selected and was too far east to be mistaken for the capital site which Mr. Hawthorne thought was likely. This theory gave him opportunity to suppose that Neapolis was situated a mile farther east than Buffalo and so quite near the sawmill.

Public records rudely shut the door against the fancy that the capital commissioners of 1867 flirted with Capitol Hill and incidentally or otherwise gave it the name. The capital removal bill of that year confined their search for a site to Seward county, the south half of Butler and Saunders and that part of Lancaster lying north of the south boundary of township 9. On the journey of investigation, the commissioners followed Salt Creek from Lancaster to Ashland. Thence, quoting from their report,<sup>26</sup> "we went northwesterly along the old California trail through Saunders county, crossing the Wahoo near its head, and arriving at nightfall at the residence of J. D. Brown, in Butler county." Mr. Brown's residence was on Oak Creek. The commissioners proceeded westerly to the north fork of the Blue and then southerly along that stream. They did not go farther north than township 14 which lies in the south half of Butler county. Thomas P. Kennard, one of the commissioners, says now (1914) that they had no reason for going as far north as the Platte river and did not go beyond the territory within which the removal act confined the location of the new capital.

The comptroller of the treasury of the United States decided in the Oregon case that the members who met at Oregon City should be paid their per diem allowance, but that those that assembled at Salem should not be paid; also that "no expense incurred by the members who assembled at Salem should be paid. Of course, their journals nor proceedings of any kind are to be paid for at the public expense."<sup>27</sup> The rule was followed in the Nebraska case, and apparently without dispute, since

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<sup>26</sup> Senate Journal 1869, page 300.

<sup>27</sup> Executive Documents, first session thirty-second Congress, volume XII, document 104, page 9.





Ely Palmer Farmstead, South Slope of Capitol Hill.

Neapolis site, three miles northeast of Cedar Bluffs. Photographed February 17, 1917.



there is no account of any controversy in the federal records. Of course the endorsement of the proceedings at Salem reversed the decision of the executive department.

Robert W. Furnas, member of the Council and also editor of *The Nebraska Advertiser*, published the following comprehensive story of the incident in his newspaper of January 28, 1858.

Last week we promised to place before our readers the *real cause* of the difficulty which occurred at Omaha, on the 7th and 8th of the present month. In doing, so we need not consume time or space with a lengthly exordium. All know that the recent session of the Legislature at Omaha was broken up: That the majority temporarily adjourned to Florence, the nearest point at which accommodations could be had, and there proceeded to discharge its legitimate functions: That the minority remained at Omaha, adjourning from day to day for want of a quorum, occupying the time, and spending the money of the people in taking evidence of interested parties;—publishing in pamphlet form, and sending abroad, to endeavor if possible to make the public believe that they themselves thought they were acting correctly.—Delusive idea!

The defense of the majority as to their adjourning to Florence is most ably set forth by the Committee appointed to wait upon the Governor, and which was published in our paper last week. It is unnecessary to add another word.

The minority has put forth a pamphlet purporting to be a “report of the joint committee of investigation, appointed to examine into the causes and consequences of the difficulty in the Nebraska Legislature which occurred January 7th and 8th, 1858,” to which we will give attention in a future article, in its proper place in the programme of investigation. We will say however, here, that it like much else that is being said by individuals, and the very few papers in the Territory which sympathize with the minority, does not touch—not even hint—at the real question or subject matter at issue.

The minority gravely charge the majority of “having deliberately and premeditatedly broken up the sitting of the Legislature; paralyzed its action, and prevented the transaction of all legitimate legislation.” We shall at present simply narrate the train of circumstances, which in our opinion led to the unhappy and much to be regretted result on the 7th and 8th, and in future articles treat of connecting points, or side issues, and leave the people, who are to be the jury in this



matter, to make up their verdict as to who are really responsible for the wrongs inflicted.

Our individual position upon the Capital question is well known throughout the Territory: That we have never believed the Capital in the proper place: that it ought eventually to be removed into the interior to stimulate and assist in settling the country. But that for the present—perhaps while we remain a Territory—it would be well enough to allow it to remain at Omaha. We have therefore labored, the two years we have been a member of the Legislature, against the *agitation* of the subject: feeling that there were matters of more importance demanding legislative attention. We have, as before stated, kept aloof from the local jealousies which have had too much to do with this question, and endeavored to look at the matter calmly and unprejudiced, and act accordingly. Two years' legislation, and a knowledge of the facts we in that time have obtained, however, has forced upon us the conclusion that no useful, harmonious and healthy legislation can be had in this Territory, until the Capitol question is permanently disposed of.

At the organization of the Territory there were three points aspirants for the Capital—Omaha, Bellevue, and Nebraska City. The two latter charge that unfair means were used to defeat them. The former contending that she only succeeded by playing stronger, the same game all three were engaged in. As for this, the people outside of those localities care but little. The Capital was located at Omaha, and the then town company donated to the territory of Nebraska,—as evidenced by a quit claim deed to be found on the first page of this issue of our paper—what is known as “Capitol Square,” “for the purpose of the erection thereon of the Capitol, and the use and benefit of the territory of Nebraska forever, so long as it shall remain such, and afterwards for the use and benefit of the State of Nebraska when it shall become such.”—Congress had already appropriated the very liberal sum of \$50,000 with which to erect the necessary buildings for territorial purposes. Gov. Izard as the agent of the general government proceeded to expend this sum by the erection of a Capitol building on the ground above referred to. After spending the entire \$50,000 and creating a debt of \$8,000 additional, he left the building in an unfinished condition—only one story high.—Here, we might very appropriately enlarge, and speak of the wrong *thus* inflicted upon the people of the territory, by commencing the erection of that building on a scale certain to far outreach the munificent donation for that purpose.—The fact is \$25,000 ought to have erected a building on an economical plan, amply sufficient for the infant territory, and which would

have been an ornament not only to the city of Omaha, but the territory, and answered all its purposes as a Capitol for at least fifteen or twenty years to come.

Congress failed to make further appropriations for the completion of this building; feeling that she had already dealt liberally with us. The city of Omaha, through her corporate authorities, without authority from the general government, or the legislature of the territory, assumed the labor and expense of completing the building. To perform which, and in addition, assist in erecting a jail, court house and hotel in their city, they issued \$60,000 corporation scrip, in small sums, to become a circulating medium, and advertised upon the face of this scrip that it was secured by a pledge or mortgage of CITY PROPERTY. This large amount of currency, being as it was, afloat, it is not strange that great anxiety was soon manifested, and enquiries made by bill holders, to know *what* city property and *what amount* was pledged for its redemption. The city authorities of Omaha, to satisfy the numerous enquiries made by individuals, and through the press in various portions of the territory, made and published in the papers of their city an exhibit of pledged property, naming blocks, lots, &c.; and in this list, to the utter astonishment of nearly every one out of Omaha, appeared "CAPITOL SQUARE AND THE BUILDING THEREON!" as *pledged for the redemption of Scrip issued by the city of Omaha.*

Under these circumstances, well known throughout the territory, members of the last Legislative Assembly would have proven recreant to the interests of a constituency at large had they not, upon assembling, instituted strict investigation into the true state of affairs concerning territorial property. One among the first acts of the Assembly therefore was to appoint a "Select Committee of the Council in relation to the Capitol building and grounds in Omaha city." Upon this committee was placed Hon. S. E. ROGERS member from Douglas county and a resident of the city of Omaha, who after making a report to the Council—which will be found in full on the first page of to-day's paper—is found acting as a member of the pseudo committee of the minority, in taking evidence,—the great majority of which is from citizens of Omaha, or those interested therein,—and sending to the people in pamphlet form to prove that the majority "deliberately and premeditatedly broke up the sitting of the Legislature!"

The committee ascertained that the Mayor, Hon. JESSE LOWE, near nine months since entered in trust, in accordance with the provisions of our territorial law, the grounds upon which the city is located, and had made to all parties holding



quit claim deeds, *except the Territory of Nebraska*, warranty deeds to their respective interests.

By reference to the report of this committee it will be seen that, although it exhibits a series of wrongs inflicted upon the people, there was not the hardihood to deny but that the territory *equitably* owned the property at issue, and a seeming willingness to give a deed manifested. Yet there was in all the answers of the city authorities a "*but,*" "*if,*" or "*except*" in the way, and *the committee appointed for that purpose by the Legislature were unable to procure for the Territory of Nebraska a deed for Capitol Square.*

Had a deed for Capitol Square been made by the city authorities, promptly when called upon by the committee for that purpose; we undertake to say and promise to support our assertion—if denied—by affidavits in abundance, that a Capitol bill would not have been introduced—not even notice given—at the last session of the Legislature. The committee failing to procure a deed, consultation was held, and it was thought that notice of a Capitol Bill might produce it. It was accordingly given by Mr. ABBE of Otoe. For the benefit of those not familiar with the rules or customs of transacting business in a Legislative body, and to prove our assertion that this notice was given for effect, we here state that it has been customary in the Nebraska Legislature to give notice of a bill to-day and introduce it to-morrow; and that *three days intervened* between the notice and bill in this case. The notice failing to secure the object designed, a bill was drawn and introduced. Now we come to the point. On the introduction of the Bill, members of the House from Douglas county; ex-members; fanatical fire-eating leaders, who heretofore, and do yet govern and control all things of a public nature in and about Omaha, swore on the streets, in the bar-rooms, in the lobby, and in the bar of the House, that "*unless that Bill be withdrawn, not another act of any kind should pass during the session!*"—They would "*show the balance of the Territory that the wheels of legislation could and would be blocked up, if they dared further to interfere with this Capitol question!*"—That "*the Capital belonged to Omaha, and she would retain it, even though it cost the heart's blood of Douglas county!*"—That the "*Legislative Halls would be drenched with blood!*"—together with many other such expressions and threats, Such conduct towards the representatives of the people while engaged in their legitimate duties, could not fail to excite in the bosom of any one possessed of the least spark of patriotism, feelings of the most indignant scorn, and drove conservative men, who hitherto had cared but little about the simple Capitol question, to take decided and unflinching positions. The



Bill for relocating the Capital was read the first time, a point upon which there usually is no debate and never a vote. The minority to keep good their threat that "*no bill of any kind should now pass,*" obtained the floor in considering the next subject matter—the election of a territorial Printer—and boldly announced their determination to occupy it for the next nine days, unless the majority would "*withdraw the Capitol Bill!*" The affair was now fast approaching the culminating point, and the two parties occupying the positions of "YOU MUST" and "WE WILL NOT," it is not strange nor unexpected that a general "pitch in," "knock down and drag out" should occur among the members. But when outsiders, prominent and wealthy citizens of Omaha, who had been goading continually the Douglas county delegation to acts of violence, rush within the bar, seize the Speaker of the House, hurl him from the stand, and crush him to the floor; then we say law, order and common decency are disregarded, the rights of the people trampled under foot, and insult added to injury.

The minority offer as one of the feeble props to their position that the Speaker and others of the majority acted rudely on this occasion! Grant it. It would be novel indeed could such a disturbance occur at any place, and for any cause, and the parties come out of it without having said words or done acts which in themselves, abstractly, were perhaps improper or indecorous. The American people hold sacred the right of speech and of action, and when an attempt is made to deny them that right, they are very likely to '*get excited.*' There are *many* instances on record where their acts might be denominated "revolutionary." Such argument is too weak to require answering; yet it is the style and nature of all we have yet seen coming from that side of the question. There is a studious avoiding of the real and true issue.

We have this week given the real and true cause which led to the difficulty on the 7th and 8th, and will next week proceed to show that there was no excuse whatever for the obstinate position of the minority—that the Capitol Bill could not have passed, and they knew it—and that the blocking of the wheels of legislation was done by them *premeditatedly*, and for no other purpose than that of gratifying a spirit of revenge.

The Secretary of this Territory, Hon T. B. CUMING, paid the minority—who broke up the sitting of the Legislature—while meeting only of mornings, and adjourning for want of a quorum, their per diem; but refused to pay the majority, who were engaged until the last hour of the session in endeavoring to discharge the duties for which they were elected: enacting good and wholesome laws for the Territory. The same dis-

tion was also made in regard to the postage of members.

We will do Secretary Cuming the credit however to say we believe such a course was not in accordance with his feelings or better judgment. He had been for weeks confined to his bed; his body racked with pain, his brain scorched with fever, yet was waited upon, advised and instructed almost hourly by the Omaha Regulators.

"You will not get any pay while at Florence!" was a much used argument on the part of the minority, to induce, if possible, members not to go on in the faithful discharge of the duties devolving upon them. They actually succeeded in detaining one member who thought more of the "almighty dollar" than of his obligations to his constituents.

Perhaps the minority honestly thought that all their obligations to the people were discharged when they had "legislated for three dollars a day"—perhaps they had no higher motives to prompt them! If so, far be it from us to censure them.

The Florence legislature adopted a joint resolution and memorial praying the federal Congress for an appropriation to build a bridge across the Platte River. The prudence of this course is obvious. The continuing controversy about the situation of the seat of government was largely due to the sectional division caused by the river, and the Florence insurgents knew that it would be very difficult to remove the capital or to hold it in a new location without bridging the barrier. The proceedings of the Florence session were not published by the territory, but the memorial was printed in the *Miscellaneous Documents* of the Senate.<sup>28</sup> J. Sterling Morton's anticipation of the removalists' indictment of the Platte was adverted to at the beginning of this paper. The Florence memorial follows:

#### JOINT RESOLUTION AND MEMORIAL.

*To the honorable the Senate and the House of Representatives of the Congress of the United States:*

Your memorialists, the council and house of representa-

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<sup>28</sup> *Miscellaneous Documents of the Senate*, first session thirty-fifth Congress, document 182.

tives of the Territory of Nebraska, now assembled, would most respectfully represent that the interests of the people of this Territory, and of the country at large, would be greatly subserved by an appropriation of                      dollars for the purpose of bridging the Great Platte or Nebraska river, at some point within fifty miles of its mouth.

The reasons which might be urged in support of this appropriation are many and obvious. Your memorialists, however, wish to call attention to a few of them:

*First.* Owing to the uncertain nature of the soil in which this river makes its bed, no reliable ferry can be established across it, the current often changing in a single night, and large and impassable sand-bars are formed where twenty-four hours before no obstruction was offered to the passage of ferry boats. Thus virtually one portion of the Territory is separated from the other, to the great detriment of their social relations and commercial pursuits.

*Second.* The Platte river, being thus a barrier to the free social and commercial intercourse of the two sections of the Territory which it separates, has been a fruitful and ceaseless source of dissension and strife between our people, giving rise to most, if not all, of the political troubles which have disturbed our Territory.

*Third.* In compliance with the known wishes of the people of the Territory, your memorialists have passed an act to re-locate the seat of government at a point in the valley of the Platte river, to be hereafter selected; and in order that the said capital may be accessible to all parts of the Territory, and no barrier exist to the free intercourse of the people north and south of that river, such bridge is absolutely necessary.

*Fourth.* The said river is a serious obstacle in the way of military operations, and of the efficient construction of important roads required by the wants of that branch of the government service.

Other reasons might be urged in support of such an appropriation, but your memorialists cannot but believe that its necessity will be apparent to your honorable bodies, and, therefore, respectfully urge your early action in the matter. And, as in duty bound, they will ever pray, &c.

*Resolved by the council and house of representatives of the Territory of Nebraska,* That this memorial and joint resolution be signed by the president of the council and the speaker of the house of representatives, and copies thereof forwarded



## 344 NEBRASKA STATE HISTORICAL SOCIETY

to the President of the Senate of the United States, the Speaker of the House of Representatives, and our delegate in Congress.

J. H. DECKER,

*Speaker of the House of Representatives.*

LEAVITT L. BOWEN,

*President of the Council.*

## CONTROVERSY IN THE UNITED STATES SENATE OVER THE ADMISSION OF NEBRASKA.

[Annual address of President John Lee Webster, January 18, 1916.]

The admission of Nebraska into the Union was one of the principal episodes in the closing period of a great epoch in American history. The Civil War had closed. The colored race had been emancipated. The southern states were in process of reconstruction. Civil rights were being established. The Union was being nationalized.

Abraham Lincoln, in order to make civil liberty perfectly secure, the emancipation of the slaves an accomplished fact and the federal government unchallenged everywhere, believed that certain fundamental additions to the constitution should be made. For the ultimate fulfillment of his far-seeing purposes he desired a number of new states should be created out of the northwest country so that constitutional amendments might be adopted by the necessary three-fourths of the states of the Union without depending upon the support, if need be, of any of the states which had been in rebellion.

As a part of this general plan the original Dakota territory was divided into four parts so that ultimately there came into the Union four states, North Dakota, South Dakota, Montana and Idaho. Before the close of his first administration Nevada was admitted into the Union, and Abraham Lincoln signed the bill about one week previous to the period of his second election.

In 1864, enabling acts were passed for Colorado and

Nebraska, but before either of these territories had formally applied for admission into the Union, Abraham Lincoln had been assassinated and Andrew Johnson had become president of the United States. The first acts receiving them as states failed to become of force by the president's "pocket veto." The work in Congress had to be gone over again. It was believed that the state of Nebraska presented the most favorable conditions, hence was first pressed forward for consideration and debate. Finally, when both branches of Congress agreed that Nebraska should be admitted into the Union, President Johnson again vetoed the bill, but by that time the convictions of Congress had become so strong upon the question and so incensed against the president that the bill was passed over the veto with increased majority and without further debate.

It is to a brief sketch of this critical period of political history which opened the door for Nebraska to come into statehood—of the great senators of that period who contended with each other over problems which had to do with civil liberty and the national welfare and the atmosphere of the times that surrounded them that we invite your attention.

In the senate debates it was said by Mr. Doolittle, a senator from Wisconsin, that states grow; states are born; Congress does nothing but recognize their existence and admits them into the Union under the constitution. So it was said by way of illustration that Vermont did not grow out of a revolution against the states of New York and New Hampshire and set up a government of her own. It was the people growing up into society that constituted the states that were recognized.

But what Mr. Doolittle said is but partially true. The people may decline to create a state, and when they



do wish to become a state the affirmative legislation of Congress is an essential of statehood.

Senator Howard of Michigan said that Congress may fix any condition it pleases to the admission of states. It may require that one half of the population should visit California or China or go to London before a territory could become a state, and Senator Edmunds said Congress has a right to create states; it has a right to govern territories and it has a right to sweep them away. Nebraska, in its effort to get into the Union as a state, went through many of these experiences.

After the enabling act of 1864, the people of the territory elected delegates to a constitutional convention. It so happened that a majority of the people at that time did not want statehood. They elected delegates to the constitutional convention under instructions that when the convention should meet and become organized that it should immediately adjourn. Accordingly, when the convention assembled it did organize, and it did adjourn without the framing of a constitution.

In the winter of 1865-6, some persons ambitious for the territory to become a state; among them Chief Justice Kellogg and Governor Saunders, drafted a constitution which was adopted by the legislature of the territory. This constitution by its terms provided that it should be submitted to a vote of the people in June, 1866, and at the same election that state officers should be elected. The result of the election was that the constitution received a small majority, Republican state officers were elected and the legislature proceeded to elect two United States senators—Major General John M. Thayer and Thomas W. Tipton.

Senator Benjamin F. Wade of Ohio, frequently spoken of in his day as "Honest Old Ben Wade," and

sometimes as "Fighting Ben Wade," took charge of the bill for the admission of Nebraska into the Union and remained its vigorous champion until the end, and was ably assisted by his colleague, John Sherman, who as a statesman was the peer of any man of his day.

Senators Sumner and Edmunds were the leaders in debate in support of the contention that the word white should be eliminated from the Nebraska constitution, or that the state in some suitable manner should pledge itself never to discriminate against persons on account of race or color.

Senators Wade and Sherman were in favor of unconditional admission of the state. Senators Sumner and Edmunds were in heart in favor of the admission of Nebraska into the Union, but insisted that it should be on conditions that would harmonize with the policy to be adopted in the reconstruction of the southern states and with the proposed civil rights measures then pending.

#### WADE, SHERMAN, SUMNER AND EDMUNDS.

These four men, Wade, Sherman, Sumner and Edmunds, were the intellectual giants in the United States senate in those days that required courage and strong convictions of a sense of national duty. There were great problems to be worked out. The southern states that had been in rebellion must be reconstructed. There was the bitter personal strife over civil rights bills. Fundamental amendments to the constitution were to be framed and adopted. And there was the approaching impeachment of Andrew Johnson as president of the United States.

Wade of Ohio and Sumner of Massachusetts entered the senate in the same year, 1851. They brought

confidence and insured strength to the contest for free soil. The fidelity, the courage and the ability of Senator Wade gave him great prominence in the North, and he and Senator Sumner were a great surprise to the South. Senator Wade was audacious in speech and was protected in his person in what he said by reason of his steadiness of nerve and readiness to fight for his convictions.

Perhaps no more bold or daring thing was ever spoken in the United States senate than was said by Benjamin F. Wade in a debate over the veto by the president of the civil rights bill. It came up for decision at a time when a senator who was in sympathy with the president and who would have voted to sustain his veto was absent from the senate because stricken down with illness. Senator Wade was requested to agree to postpone the vote on the veto but he refused and said:

If the President of the United States . . . . can compel Congress to succumb to his dictation, he is an emperor and a despot. . . . I feel myself justified in taking every advantage which the Almighty has put into my hands to defend the power and authority of this body. . . . I will tell the President and everybody else, that if God Almighty has stricken a member of this body so that he cannot be here to uphold the dictation of a despot, I thank Him for his interposition, and I will take advantage of it if I can.<sup>1</sup>

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<sup>1</sup> The sick senator was William Wright, Democrat, of New Jersey. Senator Trumbull, of Illinois, who supported the civil rights bill, persuasively said: "There are some of our friends who will not agree to fixing an hour tomorrow, and my judgment is, the senate had better adjourn, and I think we shall get a vote tomorrow. I trust there will be no factious opposition." Accordingly the motion to adjourn was adopted by a vote of 33 to 12. Among the leading Republican senators voting in the affirmative were Edmunds, Fessenden, Foster, Grimes, Howe, Morrill, Sherman, and Trumbull. Howard, Wade, and Yates were the most prominent Republicans who voted in the negative. On the following day, April 6, 1866, the bill was passed over the veto 33 against 15, and Senator Wright was present to vote according to his



No stronger or more determined or vigorous fighter than Benjamin F. Wade could have been selected to direct the battle for the admission of Nebraska into the Union.

Upon the other hand, Charles Sumner was studious, learned and ambitious. His written arguments were the antislavery classics of the day. His speeches went to the millions of people who read, and he left an indelible impression upon the country. He must "be ever regarded as a scholar, an orator, a philanthropist, a philosopher and statesman, whose splendid and unsullied faith will always form a part of the true glory of the Nation."

Charles Sumner in one of his speeches on human liberty and equal rights uttered a sentence which typified his own personal character.

The Roman Cato, after declaring his belief in the immortality of the soul, added, that if this were an error it was an error that he loved; and now declaring my belief in liberty and equality, as the God given birthright of all men, let me say in the same spirit—if this be an error it is an error which I love; if this be a fault it is a fault which I shall be slow to renounce; if this be an illusion it is an illusion which I pray may wrap the world in its angelic form.

Senator Toombs of Georgia stated in the senate that he witnessed the assault of Brooks upon Sumner and that he approved it. Then it was that Senator Wade issued his defiance to the senators from the South. He denounced the assault as the act of an assassin, and further said:

A brave man may be overpowered by numbers on this floor; but, sir, overpowered or not, live or die, I will vindicate the right and liberty of debate and freedom of discussion upon this floor, so long as I live. If the principle now announced

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promise. (The Congressional Globe, first session thirty-ninth congress, pages 1787, 1809.)—ED.

here is to prevail, let us come armed for the combat; and although you are four to one, I am here to meet you.

Wade expected to be challenged for that speech, and he and Cameron and Chandler made a compact to resent any insult from a southerner by a challenge to fight, but the challenge did not come. So Wade was bold and daring like the Roman but in a different spirit than Sumner.<sup>2</sup>

George F. Edmunds of Vermont was not brilliant as an orator but was always forceful and logical in debate. His speeches were filled with a wealth of material. He was recognized as a most powerful constitutional lawyer.

Now let us go into the senate for a little while and hear what these four statesmen and some of their associates have to say about the admission of Nebraska into the Union.

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<sup>2</sup> In his famous speech, *The Crime Against Kansas*, delivered in the senate May 19 and 20, 1856, Sumner vituperously assailed the state of South Carolina, Senators Andrew P. Butler, of that State, and Stephen A. Douglas, of Illinois. Preston S. Brooks, a representative from South Carolina and Senator Butler's nephew, took up the quarrel for his uncle by brutally beating Senator Sumner on his head with a gutta-percha cane, while he was seated in the senate chamber, without giving him a chance for defense. Sumner never fully recovered from the injury thus inflicted, and through it his seat in the senate was vacant for three years. The remarks on the incident by Senator Toombs to which Wade retorted follow: ". . . . As to what was said, some gentlemen condemned it in Mr. Brooks; I stated to him, or to some of my own friends, probably, that I approved it. That is my own opinion." The assault occurred May 22, 1856, and the speeches in question, May 27. (*The Congressional Globe*, first session thirty-fourth congress, page 1305.)

A memorandum admitting and justifying the compact article as signed by Senators Wade, Simon Cameron, of Pennsylvania, and Zachariah Chandler, of Michigan, May 26, 1874, is printed in *Riddle's Life of Wade*, page 215. It appears in the memorandum that the league to "challenge to fight" grew out of the "terrible unjust denunciation of Seward and his followers" by Toombs.—ED.

## DEBATE ON THE WORD WHITE.

In Sumner's first speech against the admission of Nebraska under its written constitution of 1866, he said:

You have before you a constitution containing the word 'white.' You have before you a constitution creating a white man's government . . . I am against any such government. . .

Senator Wade answered Senator Sumner in a speech which gave high praise to the loyalty and patriotism of the people of Nebraska, and said:

This is a Territory which has always been loyal, always patriotic, which sent into the field to fight the battles against rebellion more troops in proportion to her inhabitants than perhaps any other state or territory in the Union. Small though she was, she was extremely patriotic, and exerted herself to the utmost to perform all her duties to the General Government. . . My judgment is that no territory ever knocked at your doors for admission as a state with greater reason to be successful than does this Territory of Nebraska . . . the senator from Massachusetts stands like a lion in the pathway to keep her out, when really he wants her aid to carry great measures in the direction that he and I advocate.

Richard Yates, who had been elected governor of Illinois at the same time when Abraham Lincoln was elected president of the United States and who had enjoyed exceptional popularity as the war governor of Illinois, was a senator from his state at the time of this debate and came to the support of Benjamin F. Wade and said of Nebraska,

Here is a state that has been organized in pursuance of the act of Congress; it is demanding admission; and I would say to the senator from Massachusetts that it is a state after his own heart.

As the debate went on, Senator Sumner, true to his convictions, and in reply to Senators Wade and Yates, said:



Sir, we are now seeking to obliterate the word 'white' from all institutions and constitutions there . . . In other days we all united . . . and the senator from Ohio was among the number—in saying 'No more slave states!' I now insist upon another cry: 'No more states with the word white in their constitutions!'

Senator Cowan, of Pennsylvania, whose ability was far greater than his ambition or his industry, who went into the Senate as a Republican but who afterward became inclined toward the support of Andrew Johnson, was unfriendly to the admission of Nebraska into the Union, and disposed to be sarcastic when dealing with the arguments of Senator Sumner, and took occasion to ask the question:

. . . what do the people of Nebraska care about negro suffrage in their territory? . . . Even in Boston, where the negro is such a favorite that he is taken and cooked and caudled, and tried to be whitewashed and made into somebody, and where he is elected to the legislature and all that—even in that attractive spot where one would suppose that every hungry, thirsty Ethiopian, who was 'stretching out his hands to God' would go—even there they have not enough to give the Democrats a majority when they vote with them.

Senator Cowan was likewise disposed to attribute the desire of Nebraska to become a state to ambitious politicians, and said:

. . . we know that these politicians are exceedingly anxious to have a state. Why? Because, in that triumphal and sovereign car of the State, ride senators and members of Congress; ride power and dominion; rides, in other words a State; rides New York, rides Pennsylvania, rides Ohio, and as well ride Nebraska and Colorado. Think of it! There are high stakes to be played for . . .

Charles Sumner had moved an amendment to the bill to admit Nebraska, which made the admission conditional that by some solemn act the word white should be obliterated and negroes not disfranchised.

Senator Doolittle of Wisconsin criticised the proposed amendment in striking language:

This proposition of my honorable friend would confer the right of suffrage on every Indian in Nebraska. There are Omahas and Ottoes and Sioux and Cheyennes and Arapahoes in Nebraska, and in an excited election had in this new state the Indian agent or somebody else might bring up the whole Indian tribes of that Territory under this amendment and vote them all at an election. That is a question that does not concern the negro . . .

What unexpected changes come over a country. At that time no one supposed that the Indians of Nebraska would ever become citizens of the state or of the United States, and yet it has so happened that the Indians in the state who have surrendered their tribal relations and taken up allotments of lands in severalty are entitled to exercise the elective franchise as freely and fully as the negro race. In this respect the Indian and Negro stand on an equality with the white man in Nebraska.

Sumner was not intending, and Doolittle was not expecting that the Indians would ever be legislated into citizenship or granted the elective franchise, but it has come about as the logical result of the full and free advocacy of liberty and equality in political rights.

Senator Howard of Michigan took issue with the senator from Massachusetts and some others upon the proposition that the right to exercise the elective franchise came within the phraseology of the Declaration of Independence, that "all men are created equal." He said:

I deny that the right to vote is one of those rights referred to by Mr. Jefferson, who penned the Declaration. The elective franchise is a privilege granted by the community to such of its members as a majority shall see fit. It is not one of the rights given us by nature. It is not the same as the right to breathe the air, without which we must instantly

perish. It is not the same as the right to drink the water that falls from the sky, or that runs down the limpid stream, without which we should also perish. It is not in any sense, according to my judgment, a natural, inalienable right.

Independent of the meaning of the words in the Declaration of Independence, Senator Howard believed in general suffrage, and declared:

I hope to live to see the day—and I expect to reach that age, and then not be a very old gentleman—when every state in this Union, by its own free consent will allow the same privilege of voting to the black man as is now enjoyed by the white man. . . I think we shall never have complete peace and quietude until this great end is attained.

For more than half a century politicians and theorists and statesmen had contended in the arena of oratory over the phrase “all men are created equal,” but that discussion had failed to satisfy. It led to acrimony instead of healing the breach of disagreement.

Senator Wade was not betrayed into that line of debate. He appealed to patriotism and a broad view of national welfare, and the rights of the western people. He said:

I want to see these states extending in a solid column right through to the Pacific ocean, as will be done if you admit the two states that are now knocking at your doors . . . Nebraska, one of the most patriotic, one of the most orderly of communities, with numbers sufficient, with a good, glorious Republican constitution akin to all the rest of these western constitutions and just like them, coming in here. . . .

Senator Sumner was beginning to be provoked at the persistency of Senator Wade and retorted:

He seeks to introduce into the Union a state which defies the first principle of human rights. The senator from Ohio becomes the champion of that community. He who has so often raised his voice here for human rights now treats the question as trivial. He says it is a technicality only.

Sir, can a question of human rights be a technicality? . .



And yet that is the position of the senator from Ohio. . . . It must not be allowed to pass this body so long as it undertakes to disfranchise persons on account of color.

Senator Benjamin F. Wade now began his defiant and determined and aggressive warfare for the admission of Nebraska and, in reply to Charles Sumner, said:

This is a territory, as I have said a good many times, loyal, seeking to come into the Union in the old, beaten track—nothing unusual about it, nothing to hang an argument on, except it is the high sounding words of the senator from Massachusetts. . . . And he speaks of my obstinacy! Why, sir, he stands up here almost alone against his friends, nearly all favorable to this measure. I have no doubt had it not been for what I will not call his obstinacy, this measure would have passed on Monday to the satisfaction of nine-tenths of all those that generally act with him. His will must prevail against the whole body, or they must give way to him, for he intimates and gives us to understand that this bill never shall pass except it is in accordance with his judgment, or if it ever does it will not be until he is a good deal older than he is now.

Senator Kirkwood, from our neighboring state of Iowa, now came to the support of Senator Benjamin F. Wade. He too believed that a high spirit of loyal patriotism to the whole Union was of more importance than the smaller question of granting the franchise to a few colored people, and replied to Charles Sumner:

He compares the case of the territory of Nebraska to that of the lately rebellious states. I think there is a great difference between them. The people of the territory of Nebraska are loyal men; the people of the late rebellious states are not loyal; and when he compares the one with the other I think he does an injustice to himself and to the people of that territory. . . . Now, I wish to say to that senator that the constitution of Nebraska and the constitution of Iowa in this particular are identical. Does he call the constitution of Iowa odious and offensive? . . .

Senator Kirkwood took some exception to what Sen-

ator Sumner had said which he construed as a reflection upon the state of Iowa and answered him:

The people of Iowa are as loyal as the people of Massachusetts are. . . . He should remember that there are other states in this Union besides Massachusetts; and when he speaks of particulars wherein those states do not agree with Massachusetts he should be careful of the terms he applies to them.

But Senator Sumner, nothing daunted nor terrified by what Senator Kirkwood said, but with something of an apologetic tone to the state of Iowa, said of the constitution of Nebraska:

I say it contains an odious and offensive principle; and I doubt if the senator from Iowa would undertake to say that an exclusion from rights on account of color would be properly characterized otherwise than as odious and offensive. . . . I say that such a constitution at this moment from a new state does not deserve any quarter. I say the constitution ought to be a hissing and a byword; and I am at a loss to understand how any senator at this time, having the great responsibilities that we have with regard to the states lately in rebellion, can look upon a new constitution like this except as a hissing and a byword. Sir, it is a shame to the people that bring it here, and it will be a shame to Congress if it gives its sanction. I use that language advisedly, and I stand by it even at the expense of the criticism of the senator from Iowa. . .

This strong language from Sumner was characteristic of the man. He was fearless, determined and unyielding on questions of human rights. He knew no compromise. He never knowingly made concessions on the grounds of expediency. No one questioned the honesty of his convictions, but nevertheless he provoked antagonism.

Thus again Senator Cowan, of Pennsylvania, was drawn into the controversy over Sumner's insistence on the equality of the negro race, and said:

I should like the honorable senator to explain why it was that the race in Africa during these thousands of years did not

make the same progress. Can the honorable senator tell why they never invented an alphabet? Can he tell why they never built a city, why they never had a nationality, why they never had a history, why they never had traditions, why they never had a literature, why they never had anything of that kind which characterizes the man of progress, the civilized man? All that has been going on under the eye of Providence; but Providence now, at the prompting of Massachusetts philanthropy, I suppose, has waked up to the necessity of, at a single bound, lifting this barbarous people upon the same elevation with the advanced races in the struggle of civilization.

It was difficult to answer an argument of that sort, and Sumner let it pass in silence. But now a new turn was given to the debate by the senator from Vermont. Edmunds at the outset of his discussion challenged the right of the people of Nebraska to make any claim of right for admission as a state and asserted with energy that Congress alone should be heard on that question.

We may organize a territory today; we may disorganize it tomorrow . . . There is no inherent right in the people of any Territory to be constituted into a state. . .

Why, sir, the notion that government is instituted for a select few who are to be discovered by their descent as kings are, or by their learning as the priests used to be, or by their property as aristocratical governments generally are, ought to have been exploded in the light of recent events in this country. . . I do not mean by this to undertake to make any argument against the propriety of learning. That is not the point. The more we have of it, the better we shall be off. But I do undertake to say that to make learning or color or property or race a test in a democratic country of the right to choose its rulers, is to sap the foundation of the very principle of the democracy upon which you act. . .

. . . I am surprised indeed, sir, surprised beyond measure, and I feel regret that is even greater than my surprise, to see the honorable senator from Ohio, whom we all love so well to follow, leading us through this District against all opposition for these same equal rights, and then turning to the westward and saying that after all it is nothing but a technicality, that men are standing in their own light and in the light of their party if they venture to lift their voices in favor of erasing this offensive, unjust, and inhuman distinction.



There is everything, Mr. President, in justice; and we shall learn when the empire of tradition which has been tottering has at last completely fallen, we shall learn in the new light that we are coming to, that we shall never have complete prosperity if we do not stick to our principles through thick and thin. There can be no temporary triumph, there can be no temporary necessity in the nature of things possible which will justify a true man in departing one hair from justice and truth . . .

Mr. President, as strong as we are, and justly strong; as proud as we are and as conscious as we are of our strength, we do not deserve to be strong or proud or successful if we do not adhere to a great principle of justice and equality which we practice upon here where we have the power; if we do not adhere to it in Nebraska because it happens at the moment that we are to gain a representative or two or a senator or two by denying the principle there. . . Why not let us say to the people of this Territory, "We receive you upon the condition that within your borders, notwithstanding your constitution or your laws, you shall practically exercise equality and justice toward every citizen within your limits?" As I have said before, the power cannot logically under the constitution be denied. . .

It had become quite apparent that the majority of the senators were in sympathy with the measure for the admission of Nebraska as a state. The only substantial difference manifested among Republicans was over the word white in the constitution. That might readily be overcome by some fair compromise amendment, and a new issue was brought into the discussion.

#### SMALL STATES VS. LARGE STATES.

Some of the senators, in their opposition to the admission of Nebraska into the Union, raised the ostensible objection that it was giving too much power to the small states of the northwest. This line of argument was strongly presented by Senator Cowan of Pennsylvania, who conceded that when the federal government was first formed it was composed of great states and small states, and that to accomplish the great paramount

purpose remarkable concessions were made to the smaller states, such as Rhode Island and Delaware:

Although small states, weighing nothing in the great scale compared with Pennsylvania, Virginia, New York and others, yet it was conceded to them that upon this floor they should have an equal status with the greatest. . . That was a concession to procure the formation of the Union; but it imposed no obligation upon the states of the Union afterward to admit insignificant members upon the same terms.

It is utterly and totally immaterial to Nebraska how she may vote on some great question involving the very safety of the Union; whereas it is a matter of most momentous issue to Pennsylvania, to Maryland, to Virginia.

John Sherman made the most effective answer to arguments like that presented by Senator Cowan. Sherman had served some six years as a member of Congress and had been elected United States senator to succeed Salmon P. Chase.<sup>3</sup>

Sherman had traveled over the state of Nebraska in the summer and fall of 1866 with his brother, General Sherman, while making a tour of military posts. Together they had ridden in wagons by the day, and slept in wagons during the night, guarded by military armed sentinels.<sup>4</sup> He had spoken of his appreciation of Ne-

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<sup>3</sup> Sherman first entered the House of Representatives December 3, 1855, the first day of the session. His first term began March 4, 1855, and his third term March 4, 1861. He had been elected in 1860 for the fourth term and doubtless served in it until he was elected senator March 21, 1861, to succeed Salmon P. Chase who had been elected for the same term but resigned March 7 to enter Lincoln's cabinet March 9. Sherman took the oath and his seat in the senate March 23. He took no part in the momentous debates of the special session of the senate, March 4-28, 1861. Samuel T. Worcester, Sherman's successor in the House, took his seat at the opening of the special session of the thirty-seventh Congress, July 4, 1861. (Congressional Globe, second session thirty-sixth Congress, page 1493; *ibid.*, first session thirty-seventh Congress, page 2.)

<sup>4</sup> In "John Sherman's Recollections of Forty Years," page 390, the senator describes his journey through Nebraska:

braska's clear sky and pure and invigorating atmosphere, and of its singularly beautiful landscapes.

Senator Sherman said that Nebraska at that day

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"After the adjournment [July 28, 1866] I proceeded to St. Louis, and with General Sherman and two staff officers, went by rail to Omaha. This handsome city had made great progress since my former visit. We then went by the Union Pacific to Fort Kearny, as far as the rails were then laid. There our little party started through the Indian Territory, riding in light wagons with canvas covers, each drawn by two good army mules, escorted by a squad of mounted soldiers. We traveled about thirty miles a day, camping at night, sleeping in our wagons, turned into ambulances, the soldiers under shelter tents on blankets and the horses parked near by. The camp was guarded by sentinels at night, and the troopers lay with their guns close at hand. Almost every day we met Indians, but none appeared to be hostile. In this way we traveled to Fort Laramie. The country traversed was an unbroken wilderness, in a state of nature, but singularly beautiful as a landscape. It was an open prairie, traversed by what was called the North Platte River, with scarcely water enough in it to be called a creek, with rolling hills on either side, and above, a clear sky, and air pure and bracing. It was the first time I had been so far out on the plains, and I enjoyed it beyond expression. I was soon able to eat my full share of the plain fare of bread and meat, and wanted more. After many days we reached Fort Laramie, then an important post far out beyond the frontier. We remained but a few days, and then, following south along the foot hills, we crossed into the Laramie plains to Fort Sanders. This was the last post to the west in General Sherman's command." Laramie City, Wyoming, now occupies the site of Fort Sanders.

Senator Sherman had slept "with two in a narrow wagon." At Denver he left the general's expedition, going by stage to Fort Riley—about 400 miles—where he was "glad to enter into the cars of the Kansas Pacific railroad, though they were as dirty and filthy as cars could well be." In a letter written from Omaha, August 14, 1866, General William T. Sherman says that he left St. Louis by the Missouri Pacific railroad for Leavenworth; thence by ferry boat to Weston, ten miles; thence by railroad to St. Joseph, forty miles; thence by the regular packet boat, J. H. Lacey, to Omaha 250 miles. General Grenville M. Dodge gave the party a special train on the Union Pacific railroad. (Executive Documents, thirty-ninth Congress, second session, volume IX, document 23, page 3.) Senator Sherman could not have made the whole journey from St. Louis to Omaha by railroad until the Council Bluffs and St. Joseph line was completed to Council Bluffs about two years later—August 11, 1868." (*The Nebraska City News*, August 10, 1868.)—ED.



had "more population than any but three of the States that ever were admitted into this Union." Nebraska then had some 88,000 population; Georgia, one of the original states, when it approved the federal constitution had a population of 82,548; Vermont 85,539; Kentucky 73,077; Tennessee 77,000; Ohio 41,000; Louisiana 76,000; Indiana 63,000; Mississippi 75,000; Illinois 34,000; Missouri 66,000; Arkansas 52,000; Florida 54,000; Iowa 81,000.

Sherman, in a comparison with these respective states, said:

In every other respect Nebraska is far beyond the condition in which these states were when they were admitted. When Ohio was admitted with her forty thousand inhabitants her beautiful plains were covered with an unbroken forest; there was only a settlement here and there; cabins pretty far in the wilderness; no roads, no modes of communication, no schools, no colleges, no opportunity of reaching there. And so when all these other states were admitted they had none of the elements of civilization that this rising Territory has. Nebraska, on the contrary, is open for the settlement of the whole country; . . . and a railroad . . . has already penetrated into it two hundred and eighty miles. They have schools; they have the foundation of colleges; they have the educational facilities of this modern age. . .

In answer to the argument that a state with a small population ought not to be admitted into the Union on an equal footing with the great states of New York, Pennsylvania, Ohio, Massachusetts and other states, Senator Sherman said:

There never has been any difference of interest between the small and the large states. These western states will be governed by the same impulses and the same feelings that govern us.

Senator Wade said:

They have all the population that is necessary; they have all the elements of a great and prosperous state; they are go-

ing on with all those enterprises that have made the American people so great; and a more enterprising race (for I have been among them)<sup>5</sup> is not to be found in this most enterprising nation anywhere. . .

This new issue which was raised, that the eastern and larger states of the Union were jealous of the rapidly growing western states and were afraid of the power which they might acquire in the United States senate, brought Reverdy Johnson into the debate.

Gouverneur Morris had said in the constitutional convention of 1787, that

The rule of representation ought to be so fixed as to secure to the Atlantic States a prevalence in the national councils. The new states will know less of public interest than these; will have an interest in many respects different; in particular will be little scrupulous of involving the community in wars the burdens and operations of which would fall chiefly on the maritime states.

Reverdy Johnson, senator from Maryland, and who was regarded as one of the greatest jurists and statesmen of the country, drew attention to what Gouverneur Morris had said and proceeded:

When the clause which gives to Congress the power to admit new states was before the convention, the subject was brought to the attention of that body by the representatives from the eastern states, and especially as the representatives from the state of Massachusetts, speaking upon this subject among others, through Gouverneur Morris.

Senator Johnson was of the opinion at the time when Nebraska was admitted into the Union that the same danger was yet as apparent as it was when the federal constitution was framed, and said, "But the danger

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<sup>5</sup> I have been unable to find any account of Wade's coming to Nebraska prior to June 1, 1867. He was in Kansas at some time in 1866 and made a speech at Wyandotte. Perhaps he visited Nebraska on the same trip.—ED.

was still apparent, and that danger is now upon us." He went on to explain that the eastern states had been "forced, by no fault of their own, in a great measure to drop the business in which they were then engaged"—as "carriers of all the states away from the Atlantic"—" . . . and to engage in the business of manufacturing . . .

They have millions and millions of money invested in these establishments, and they employ thousands and hundreds of thousands of men of the best skill in the country. While they enrich themselves individually they enrich all. They enrich those who start poor; they increase the wealth of those who start rich; and, what is chiefly to be admired, they immeasurably increase the wealth and power of the nation . . . and just as you increase them will it be in their power to strike at the system to which you in your States are so much indebted for the property which you now enjoy. . . To give to the territory which you propose now to admit two senators and at least one representative, it having a population certainly not exceeding fifty thousand, and give us as you can only give to the state of New York and to the State of Pennsylvania each two senators, with a population respectively of between three and four millions, would seem from the statement of the fact not to be altogether politically right.

Timothy O. Howe, senator from Wisconsin, made a very complete answer to Senator Reverdy Johnson of Maryland:

I do not regard, therefore, this disparity of numbers to be a serious objection. I do not regard it to be an objection at all, so far as our interests are concerned. . . The senator from Maryland reminded particularly the senators from the eastern or Atlantic states that the western states were fast gaining an ascendancy, and he seemed to feel, at least he seemed to urge, that that ascendancy was likely to prove injurious to the interests of the Atlantic states. . . I was very sorry, for one, to hear that argument introduced. I was very sorry to see, at this stage in our history, a new attempt to inaugurate a sectional controversy. . . I do not think any statesman of to-day ought to be ambitious of inaugurating a new controversy between the eastern and the western portions of the Union, and I am sure there is no need of any such controversy. . .

Sir, it is not so very extraordinary that Mr. Gouverneur



Morris, standing as he did in the convention which framed the constitution, in the very morning of the republic, in the dim twilight which hung over that early hour in its history, should have supposed then that a necessary rivalry might exist between the East and the West, and that he, as an eastern representative, should have thought it incumbent upon him to put something into the constitution to protect the East against the day when that rivalry might spring up; but I think it very extraordinary that any statesman standing in the light of to-day should find any wisdom in the suggestions of Mr. Gouverneur Morris, should think the lessons of that hour were worth repeating in the light of to-day.

Senator Howe then appealed to the patriotic sentiment in answer to Reverdy Johnson and gave a vivid description of the armies that were made up of the volunteer soldiers that came from these new western states is well worth repeating:

When the battalions of the West moved down the valley of the Mississippi, through Vicksburg and Port Hudson, and sent the commerce of that great stream tumbling on its way to the gulf, I do not think that that was felt to be an injury to the Atlantic states or to any portion of the country; and when those same battalions took up their march to the East and struck the Atlantic coast at Savannah, I do not think that that march to the sea was felt to be any serious detriment to the Atlantic States; and when those victorious battalions turned their faces to the North and swept through the Carolinas, clearing out every one of those forts on the seaboard held still under the rebel flag, I do not believe that the growth of the West was felt in any portion of the country to be detrimental or prejudicial to the whole.

That outburst of inspiring and patriotic oratory was enough to stir the hearts of all the old soldiers, the veterans of the civil war just closed. Reverdy Johnson did not attempt to answer it. Indeed no man could answer it. It was a climax suitable to the occasion.

But Senator Howe was not yet through with his answer to the senator from Maryland, and having in mind the appeal which had been made for the protection of the

commerce of the east, as a justification for what Gouverneur Morris said in the federal convention of 1787, gave a vivid picture of the disappearance of that commerce which originally existed in the eastern states, and to the well known fact that commerce had passed away from them and had been supplanted by manufacturing industries, and that the great commerce of the country which Gouverneur Morris had in mind now came from the states which had been created out of the great middle west. After giving in detail a long series of statistics, Senator Howe said in broad and glowing terms:

And where does this commerce come from? It is not produced in the States which framed the constitution. It is not brought to the seaboard with ox teams nor with horse teams. There are long lines of canal and railway reaching far beyond what were the frontiers of the Union at the time Mr. Gouverneur Morris gave his advice to the country.

Senator Howe recalled to mind the expedition of Lewis and Clark up the Missouri river and across to the Pacific coast and the wonderful changes which had taken place since then, and said:

Some thirteen or fourteen years after Mr. Gouverneur Morris made this suggestion a party of exploration started from the Missouri river to cross the continent to the Pacific. They were some two years in making that journey. During the last season a railroad construction train has traveled almost as far between the Missouri and the Pacific as that party of exploration traveled in 1804<sup>6</sup>. . . I am perfectly satisfied

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<sup>6</sup> The Lewis and Clark expedition started from its rendezvous at the mouth of the Missouri May 14, 1804—about seventeen years after Gouverneur Morris' speech was delivered, on July 5, 1787. (Journal of the Federal Convention, page 295.) The expedition sojourned at the Mandan villages from October 26, 1804, to April 7, 1805, and reached the Pacific coast November 10, about seven months from the Missouri River and about a year in actual travel from the starting point, which it reached on the return trip after an absence of two years, four months and nine days. The total distance traveled from the starting point to the Pacific is 4,135 miles; from the Missouri at the Mandans

with the disposition entertained by the people of Nebraska toward the government of the United States, and am willing to admit her as she stands to participation in this government.

If Timothy O. Howe were living in this year when we are about to celebrate the admission of Nebraska into the Union and see the great strides the West has made since 1866, he could have presented in much more glowing language the development of the New West.

Senator Cowan of Pennsylvania also joined in this branch of the discussion and perceived no reason why Nebraska should come into the Union having the same weight as original states, and said:

And it seems this is an exceeding stretch of equality upon the part of this government to allow a few people in Nebraska territory to have the same weight upon this floor that New York has and that Massachusetts has, and which may be wielded to the detriment of New York and Massachusetts, and wielded without any detriment to the people of Nebraska.

Notwithstanding Senator Kirkwood, of Iowa, was in favor of the unconditional admission of the state of Nebraska, his colleague, Senator Grimes of our neighboring state over the river, still having in memory his ancestry and old associations in New Hampshire, did not recognize that there was any public necessity for admitting Nebraska into the Union, nor that the votes of her senators and congressmen were needed in the existing national crisis:

Is there any such great pressing public necessity, any such great exigency resting upon us today that Nebraska should be admitted into the Union, as will justify us in giving a vote here which will be in future like Banquo's ghost, that 'will not down' . . . Do we need the votes of the men from

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to the Pacific, 2,535. (The Trail of Lewis and Clark, volume I, page 50.) "During the last season"—1866—The Union Pacific construction train traveled 246.48 miles "between the Missouri River and the Pacific." Senator Howe's error is so great that it is inexplicable.—ED.



Nebraska in the Senate and in the House sufficiently to justify us to sustain our principles and to strain the precedents that have been set heretofore in regard to this question? For my own part, having as a matter of principle voted the other day for the right of free suffrage in the District of Columbia, and having voted for it again over the presidential veto yesterday, I am not to-day to be hurried by a consideration of expediency to ignore and turn my back upon that vote and to say that I was wrong then.

After Senator Grimes had so expressed himself, Senator Kirkwood, from the good state of Iowa, recognizing that there were some good qualities in the people of the state of Nebraska, again expressed his friendly disposition in strong and decided language:

I am in favor of the admission of Nebraska, pure and simple, without conditions or qualifications. . . I believe that the admission of the State will be a benefit to the people of that territory and thus to the people of the whole country. . . It adds to my pleasure in doing this, that by doing it I can do two other good things, as I believe them to be: I can add to the strength of what I believe to be sound public sentiment in this chamber, legitimately and fairly, and I can add also legitimately and fairly, as I believe, to the strength and influence in this chamber and elsewhere of that part of the country in which I live. . . We must see to it that men who have been on our side through this war are protected there in person, in property, in life, in liberty. That we must do. . . Does the same condition of things obtain in Nebraska I should like to know? Is there any danger that the State will pass into the hands of rebels and traitors? Her sons fought side by side with the sons of Iowa all through the rebellion, for our flag, and not for the rebel flag. The men of Iowa went to Nebraska, and the men of Nebraska came to Iowa, and they fought side by side through this war, with equal bravery, and equally well.

Senator Wade again comes to the front in the senatorial battle in support of Senator Kirkwood, and against the arguments of Senators Grimes and Cowan, and said:

Now, Mr. President, why is it that I stand here the advocate for the admission of this State into the Union when I

have, as the senator says, been generally the advocate of equal rights, and have insisted very much on justice? I will tell the senator that it is because, when I consider the condition in which the country is, and when I look to the terrible conflict that lies right ahead of us, I feel disposed to arm myself and be equipped with all the forces that are legitimately within my power. The senator from Wisconsin said yesterday that he once voted for the admission of this State, because he thought we wanted to be reënforced by the principles that these men knocking at your doors are actuated by, as help-mates to carry out the great doctrines that we are endeavoring to establish. Sir, it was a good idea. . . I want to bring you soldiers that will not shrink from any responsibility; and such are knocking at your doors to-day. They are not the limping sort that will leave your friends in peril. If Congress is delinquent, it is because you have not these reënforcements that I want to bring here. . . They fought the common enemy side by side with us, and, according to their numbers, I am told and believe that no state in this Union furnished a larger proportion of efficient soldiery for the great cause of the war than did the Nebraskans, who some seemed to suppose are going to act the tyrant if you give them the power of a State.

This appeal from Senator Wade opened the way for further discussion on the subject of national welfare and presented an additional and persuasive reason why Nebraska should be admitted into the Union.

#### NATIONAL WELFARE DEMANDED THE ADMISSION OF NEBRASKA.

At the time this great debate was going on in the senate the reconstruction measures were opposed by President Andrew Johnson. Civil rights measures were opposed by Andrew Johnson. There were constitutional amendments to be considered. The president had made that memorable and historic "swing around the circle" and in his speeches made in Philadelphia and St. Louis had said that congress was usurping power and was a body of tyrants and that the senate was "a body of men hanging on the verge of the government." Senator

Howard, of Michigan, acting under the impulse of these pressing and stirring conditions, said:

I have no hesitation in saying plainly to the opponents of this bill that I do desire the admission of Colorado and Nebraska because their senators here and their representatives in the other House would greatly increase the Republican loyal strength in Congress. The interests of the country itself require this additional strength. I feel that I am actuated by the most patriotic motives when I say that in my judgment the interests of the United States of America, the interests of the whole loyal people who have borne the burden of this war, and especially the true interests of the insurgent population at the South, require this increase of strength in Congress.

Sir, what, during the last eighteen months, have we witnessed? We have witnessed one of the most dangerous and gigantic strides of executive ambition and executive power that has ever been exhibited in this country or in any other free country on the globe.

Senator Wade accepted the new issue made by Senator Howard of Michigan in favor of the admission of the state of Nebraska and supported it with the following strong language against some criticisms of Senator Sumner:

You say I am going against human rights. No, sir; in my judgment I am going in favor of human rights, to strengthen our arm, so that we may resist, if it becomes necessary, any and all departments of this government that may seek to trample down human rights. Your view of the subject is an exceedingly narrow one. I am anxious to reënforce this body with elements that go for liberty and right, while you seek to exclude them and thrust them out on a mere technicality. I know, sir, that the cause we have in view will be greatly promoted by carrying out this measure to admit these states and the worthy men whom they have sent to represent them here; and I think it is very ungracious now as an afterthought to bring up objections to their admission that were never dreamed of till lately . . . The people have complied with every demand you have made; and now all at once it is proposed to treat them as though they were rebels seeking to destroy this Union, instead of forming a most loyal and worthy part of it. I am not standing here to contend against human rights. . . I want these loyal states in the Union. I am more anxious that



they should come in than I am that the southern states should be reconstructed. They can well wait and undergo a probation until we are satisfied that they have reformed, repented, and become loyal.

Senator Timothy O. Howe also had a conception of the importance of the great political questions with which the senate and the country were then confronted and appreciated the necessity of having representation from additional northern states, and addressing himself to these conditions as a reason why Nebraska should be admitted into the Union, said:

So it happened to me, as I dare say it happened to others, that I began to look about for reinforcements. I did not see exactly where they were to come from unless we drew on the West, on which we had been in the habit of drawing very freely during the late struggle. . . Here was one loyal constituency, with loyal representatives standing at our doors, willing to come to our aid and help us to carry on the great work which we had taken upon our shoulders, but under which for a little while we did stagger a little, and you know it. I thought, stricken as we were, we had better seize the greater good even at the sacrifice of a temporary evil; and I reconsidered the vote which I first gave on the question of admitting Colorado and voted finally for her admission . . . You remember of old, when Judea was looking in all directions for a Saviour, He at last appeared to them very unexpectedly from Nazareth. While we were looking about our frontiers for reinforcements to the legislatures of the country, lo, our saviour came from New Jersey. I scarcely looked for a saviour from that quarter any more than Judea for hers from Nazareth; but then we recognized ours when they came, which was more than Judea did of hers. They are here; the necessity has passed by; and now I think justice remains to be done.<sup>7</sup>

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<sup>7</sup> This speech was made January 7, 1867. John P. Stockton, Democrat, who had been elected senator from New Jersey and took his seat at the beginning of the first session of the thirty-ninth Congress, December 4, 1865, was opposed to the civil rights bill. He was ejected March 27, 1866, ostensibly on account of a technical irregularity in the election proceedings. The Senate passed the civil rights bill over the veto of President Johnson on the sixth of the following April, by a vote of thirty-three to fifteen, and on April 9 the House of Rep-

## VOTE ON ADMISSION.

After the discussion in the senate, which had occupied a great part of the months of December and January, Senators Wade and Sherman, who were the chief and original champions for the admission of Nebraska, expressed a willingness to accept an amendment tendered by Senator Edmunds of Vermont to the effect that the state of Nebraska should not deny the exercise of the elective franchise on account of race or color.

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representatives also passed it by the requisite two-thirds majority. (The Congressional Globe, first session thirty-ninth Congress, pages 1809, 1861.) Rhodes, the historian, comments on this incident thus:

"With questionable justice and propriety . . . the majority had unseated Stockton a democratic senator from New Jersey who had voted against the bill . . . had Stockton not been unseated the veto would have been sustained. . . . The passage of this bill over the president's veto was indeed a momentous event, not only because, in view of Johnson's character, it rendered the breach between him and Congress complete but also for the reason that it opened a new chapter in constitutional practice. Since Washington there had been many vetoes but never until now had Congress passed over the president's veto a measure of importance; and this measure was one over which feeling in Congress and the country had been wrought up to the highest tension." (History of the United States, volume V, pages 585, 586.)

James G. Blaine said of the Stockton incident: "The haste with which the question was brought to a decision can hardly be justified, and is a striking illustration of the intense party-feeling which had been engendered by the war." Senator William Wright, Stockton's colleague, who was absent at home on account of illness, and Stockton's friends in the senate urged postponement of the decision of his case for three days until Wright would be able to be present, but the party whips were inexorable. "His vote would have changed the result," said Mr. Blaine. (*Twenty Years of Congress*, volume II, page 159.) Senator Wright died November 1, 1866. Stockton was elected senator for the term beginning March 4, 1869, which was the beginning of the forty-first Congress. He displaced Frelinghuysen who had taken his seat when he was ejected.

Senator Howe made the speech quoted from above after the ejection of Stockton and the providential death of Wright, and just after their two Republican successors had been safely seated—at the beginning of the session, December 3, 1866.—Ed.

Senator Wade said that he hoped the amendment would be adopted if it would tend to unite the Republican senators.

Senator John Sherman took the same view in favor of harmony and said:

I am in favor of admitting Nebraska without any amendment, without any qualifications, without any condition, and I think it is an unwise policy to impose conditions on the admission of Nebraska; but still, as the friends of the measure think that the declaration drafted by the senator from Vermont will strengthen the bill, I am rather disposed to vote for it. . . I vote for it simply because I believe its adoption will strengthen the main measure and enable us to admit the state of Nebraska into the Union with her senators and representatives.

The result was that the amendment of the senator from Vermont was adopted with an affirmative vote of twenty yeas as against eighteen nays, fourteen senators being absent. On the passage of the bill as amended, there were twenty-four senators voting yes and but fifteen voting no, and thirteen absent.

The president's veto added friends to the cause of Nebraska, and the veto was overthrown by thirty-one votes in the affirmative and nine in the negative, twelve senators absent.

The House of Representatives immediately took the same action, overturning the veto of the president by a similar proportion of votes.

#### CONCLUSION.

We now come to the final parchment sheets that gave Nebraska its birthright into the Union. The act of Congress was signed by Schuyler Colfax as speaker of the House of Representatives and by Lafayette Foster who was the president of the Senate. On the first of



March, 1867, the proclamation was signed by Andrew Johnson, president of the United States, and by William H. Seward as secretary of state. These two documents authorized the placing of the star of Nebraska in the flag of the American Union.

The men who fought the senatorial battle for the admission of our state into the Union are almost forgotten by the present generation. It might be well said of these great men and of that stirring debate, as has been said by another speaking on a different occasion:

And the policies which today seem the last thought of wisdom and beneficence, go out forgotten into the night. The constitutions designed to bring perpetual prosperity upon suffering states, survive only as curiosities in a text book. The eloquence which hushed the senate is lost like the rustling of leaves in the tree tops. A word, a color, a melody, as they bring a purer delight, so they live longer than the tangled policies of tyranny or revolution.

But in the celebration which is near at hand, let us give some expression of our remembrance of the great men who gave statehood to Nebraska.

## HOW NEBRASKA WAS BROUGHT INTO THE UNION.

BY ALBERT WATKINS.

The process of creating Nebraska into a territory set influences at work which, probably, were the Sarajevo of secession in the South and the resulting Civil War. The process of promotion from territory to state, thirteen years later, was also the occasion of a fierce contention in the national Congress. Some men have greatness thrust upon them. In some sort, as we shall see, statehood was thrust upon Nebraska. The territorial dispute was, primarily, over the policy of restricting or enlarging the territorial bounds of slavery. The statehood dispute was over the question, almost purely sentimental, of forcing negro suffrage upon the incoming state. The organic act, as it finally passed, incidentally repealed the famous Missouri compromise, which permitted slavery in the incoming state of Missouri but forever restricted it from all the Louisiana Territory north of parallel  $36^{\circ} 30'$ —the extension of the southern boundary of Missouri. The repeal of the restriction theoretically opened the way for introducing slavery into the new territory, and measures were actually taken by slaveholding interests to do so.<sup>1</sup>

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<sup>1</sup> This subject is discussed at length in the proslavery *Daily Missouri Republican*, of St. Louis, June 2, 1855, by a correspondent from Whitehead, Kansas: "So strong, general and pervading is the proslavery sentiment, that it has extended even to Nebraska, and we find the Nebraska City News enlisting under its banner; and hear of public meetings being held, resolutions passed and addresses published, advocating the establishment of a slave State in the Southern portion of

The new arrangement gave residents of the territories the power to permit or prohibit slavery.

The slavery question had been settled by the adoption of the thirteenth amendment to the constitution—December 18, 1865—before the controversy over admitting Nebraska into the Union under the constitution of 1866 took place; but a corollary of emancipation, the enfranchisement of negroes, was fiercely disputed in that controversy.

Only two conventions of Nebraska—those of 1871 and 1875—constructed constitutions. There were two attempts to form constitutions prior to the submission and adoption of the first constitution in 1866. An irrepressible conflict between the North Platte and South Platte sections of the territory was manifested in the first territorial legislative assembly, and it continued until, in comparatively recent years, it became practicable to bridge the Platte River, the all but impassable barrier between these two natural divisions, at many convenient points. The winning of the capital by the North Platte, in the first contest, increased the animosity, partly because the South Platte humanly resented the defeat, and partly because it was believed that the fact of the presence of the seat of government at Omaha, in the North Platte, gave that section undue influence over appropriations and other federal favors. Furthermore, the people of the South Platte, being in a decisive majority, naturally looked to state government for relief and revenge,

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the Territory. Several families have already gone there with their slaves. There are not less than forty slaves in Richardson county alone." In the "cool, deliberate judgment" of the majority of the people represented in the legislative assembly, "it was not politic to prohibit slavery," because "it might prove to be the best investment for the State."



because, being purely local, it would be under their control. However, they first sought the revolutionary remedy of dismemberment by the annexation of their own section to Kansas. But failing in this attempt, after a fierce struggle in 1859, they resorted to statehood. And so, on December 8, 1859, William H. Brodhead, of Otoe county, introduced in the House of Representatives of the sixth territorial assembly House file number 3, "A bill for an act to frame a state constitution and state government for the state of Nebraska." On the twelfth the bill was referred to a joint committee on state organization, consisting of Mills S. Reeves and William H. Taylor, of Otoe county, and George W. Doane, of Douglas, from the Council; and William H. Brodhead, of Otoe; John Taffe, of Dakota; Jesse Noel, of Nemaha; James Tufts, of L'Eeau Qui Court; and Houston Nuckolls, of Richardson, from the House of Representatives. On the thirteenth Reeves reported to the Council, and on the fourteenth Brodhead, Nuckolls, and Noel to the House. Both reports recommended the passage of the statehood measure. Mr. Reeves urged that both of the political parties of the territory had expressed themselves in favor of a state government at their recent conventions, and that the advantages of statehood would doubly offset its increased expense, that among the accruing advantages would be an increased influx of capital and immigration, the making of school lands available for use in support of public schools, grants of land for public buildings and roads. The best of these lands, he said, were rapidly passing out of the hands of the general government into those of private citizens and speculators.

The question of the location of the Pacific railroad, which, since the discovery of the untold millions of gold on our western border [the Pike's Peak gold fields], all concede *must and*

*will be* built, may be decided in our favor by the votes of our own representatives, if we are, as we should be, admitted into the Union at the same time with Kansas.

The House report briefly presented substantially the same arguments.<sup>2</sup>

The bill was passed in the House of Representatives on the fourth of January. Only five of the twenty-two affirmative votes were cast by North Platte members, while ten of the fourteen negative votes were of that section. On the ninth of January the Council, by a vote of six to three, receded from its amendments to the bill, with which the House had refused to concur. Four of the six affirmative votes were from the North Platte, but all of the three negative votes were also from that section. The act was approved by the governor on the eleventh of January. It provided that at an election to be held on the fifth of March, 1860, the electors of the territory should vote "for state government," or "against state government," and that they should also elect fifty-two delegates to a convention to be held at Omaha on the ninth of April, 1860, if a majority of the votes cast should be for state government. There were 2094 votes for state government, and 2372 against. Consequently no convention was held. The South Platte cast 1525 for and 1020 against, while the North Platte cast only 569 for and 1352 against. The total vote—4466—was rather light compared with that cast at the ensuing fall election—5900. *The Omaha Nebraskian*, a democratic organ, said that "not one-half the voters of the party participated in

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<sup>2</sup> The Council report appears in the Council Journal of the sixth territorial assembly, page 51, and the House report in the House Journal of the same assembly, page 77. The platforms adopted by the two political conventions of 1859, referred to in the Council report, appear in the history of Nebraska, volume I, pages 409-411.

the election." The apathy of the Democrats may be accounted for, partly, at least, on the ground that the national administration, which administered territorial patronage, was democratic, with a fair prospect that, under the leadership of Douglas, it might so continue; while, on the other hand, it seemed quite likely that the Republicans would be able to control a local state government.<sup>3</sup>

The immemorial feud between Omaha and Nebraska City broke out on the motion by Andrew J. Hanscom, of Douglas county, to designate "Omaha City" as the place for holding the convention, which was lost by a vote of 15 to 19; whereupon, a motion by Milton W. Reynolds, of Otoe county, to confer that honor on Nebraska City was carried by 21 to 13. The next day, however, a motion to reconsider was carried by 21 to 15, and Hanscom's motion to substitute "the capital of the territory" was carried without roll call. Inasmuch as the belligerent newspapers of neither section took notice of this episode, it may be inferred that the reconsideration in favor of Omaha was the result of a more or less amicable compromise on the rest of the measure.

Council bill number 5, with the same purpose, was passed on December 16, by a vote of 8 to 2, Elmer S. Dundy, of Richardson county, and William H. Taylor, of Otoe, voting nay. The bill was reported to the House the next day; but on the twenty-ninth that body recommended the passage of its own bill, House file number 3, substitute, and the Council bill was dropped. On December 14 there was a heated debate over its own bill in the

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<sup>3</sup> The names of the delegates to the proposed convention, and the vote, by counties, on the statehood proposition are given in volume I of the History of Nebraska, page 423. The act of the legislative assembly providing for the convention appears in the Laws of the Sixth Legislative Assembly, page 45.



Council. Section 8 of the bill provided that any white male person who had been in the territory, county and precinct twenty days should be a qualified voter. Mills S. Reeves, Democrat, of Otoe county, moved to strike out the twenty days restriction, holding that mere residence was evidence of sufficient interest to justify permission to vote upon this question of general policy. George W. Doane, of Douglas, favored a requirement of twenty days residence in the territory, but not including county or precinct. He wanted to make the rule as liberal as seemed practicable because, if they were going to apply for admission, it was desirable to show as large a vote as possible. Dundy and Taylor taunted the Democrats who favored the open rule about the alleged illegal voting that had been permitted under the Democratic territorial government, but the Reeves amendment was adopted.<sup>4</sup> Dr. George L. Miller said we are too young to ask for admission; Congress had adopted the principle of the "English bill," which declares that no more territories ought to be admitted until their population has reached the ratio required for a representative, which was right. But if we should apply at once we could claim right to admission under the existing ratio, which would be raised to 150,000 and keep us out indefinitely.

Governor Samuel W. Black made the same mistake as the committee on state organization afterward made in declaring, in his message, that "A very large majority of the people are evidently in favor of the movement . . ." He thought that the population of the territory fell short of the ratio for a member of congress—93,423—but made a prolix argument, with much citation of precedent, for disregarding that incident.

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<sup>4</sup> The Nebraska Republican (Omaha), December 21, 1859.

After the setback of 1860, the statehood question slumbered for two years. By this time the Republican party was firmly in the saddle in the territory, so that it might confidently count on becoming the beneficiary of the increase of official perquisites which would accompany admission; and the addition of two Republican senators and a voting member of the House of Representatives was coveted by the national party. The revival of the movement for admission was therefore largely a party measure.

#### THE ENABLING ACT.

The first move in Congress for statehood was made December 22, 1862, when James Monroe Ashley, of Ohio, a Republican leader and chairman of the committee on territories, by unanimous consent introduced in the House of Representatives "a bill" (H. R. 628) "to enable the people of Nebraska to form a Constitution and State government, and for the admission of such State into the Union . . ."<sup>5</sup> On the same day Mr. Ashley introduced

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<sup>5</sup> Congressional Globe, third session thirty-seventh Congress, page 166.

Mr. Ashley served five terms in the House, from March 4, 1859, to March 4, 1869. He was appointed a member of the committee on the territories February 9, 1860, in his first term. His name was at the foot of the list of committeemen. At the special session of the next—thirty-seventh—Congress, which convened July 4, 1861, he was appointed—July 6—chairman of the committee. (Congressional Globe, first session thirty-seventh Congress, page 22); and he held that place during the remaining four terms of his service. In the thirty-seventh Congress he introduced the first bill for the submission of the thirteenth amendment of the constitution. After its defeat in the House he vigorously led the successful struggle in the next Congress to adopt the joint resolution for the same purpose which had been passed in the Senate. He also presented the articles of impeachment against President Andrew Johnson. Ashley's apparent willingness to brush aside obstacles to a controlling purpose without delicate scruple is shown in his attempt to press Turner M. Marquett into a seat in the

enabling bills for Colorado, Nevada and Utah;<sup>6</sup> on February 11 he reported all of them, except the Utah bill, back from the committee on territories, and they were ordered to be printed and recommitted;<sup>7</sup> on the next day he asked leave to report them back and that the twenty-first be set aside for their consideration; but on the objection of Vallandigham, his Democratic colleague, Ashley held back a report. To his question whether any other day would do Vallandigham replied: "No, sir; I think we had better get back the States which are absent before we make provision for any other States." Ashley then reported the bills and had them recommitted to the

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fortieth Congress. Marquett had come to Nebraska from Ohio, so Ashley doubtless reasoned that he might more safely count on him as a friend in need than upon John Taffe, who was fairly entitled to the seat. Marquett had been elected a member of the House at the provisional election of June 2, 1866, which was authorized by the enabling act. But the way to admission having been blocked by the President's veto in the meantime, at the regular general election in the following October, Marquett had been chosen a territorial delegate to Congress and John Taffe as a tentative member of Congress in case the territory should be admitted into the Union. The Republican convention nominated Marquett for delegate and Taffe for state congressman. Marquett accepted his nomination, presumably on the safety first calculation that the combined Johnson Republicans and the Democrats could and would indefinitely keep the territory out of statehood. Marquett was tempted to make a virtue out of his plain duty to concede the office to Taffe by declaring that his Ohio friends could have procured it for him; but the votes on the question of allowance for mileage and the proposal retroactively to extend his term in the thirty-ninth Congress contradict his assumption. He was admitted to the House on March 2. Technically, perhaps, his term began on the first, by virtue of the president's proclamation of admission; but practically he was king but for a day, because the third being the last day of the term of that Congress and Sunday also, the House adjourned early in the morning. I have given more particulars of this episode in the third volume of the History of Nebraska, pages 3-4.

<sup>6</sup> Congressional Globe, third session thirty-seventh Congress, page 166.

<sup>7</sup> *Ibid.*, page 885.



committee on territories.<sup>8</sup> Thus this audacious enterprise was blocked for the session which ended March 3.

Ashley had similar bills started in the Senate also, by Lane of Kansas. The Nebraska bill (S. No. 522) was introduced by unanimous consent on February 12, 1863. It was reported back from the committee on territories, without amendment, February 20, and taken up for consideration March 3, by a vote of 25 to 11; but the demand of Senator Grimes, of Iowa, that it should be read in full prevented further action at that session. Nine of the eleven senators who voted against consideration were Republicans; among them were Grimes; Preston King, of New York; Trumbull, of Illinois; and Wilson, of Massachusetts.<sup>9</sup> Lack of time precluded expression of reasons for opposition to the bill; but doubtless they would have been the same as those against the Colorado and Nevada bills. Trumbull strongly opposed the Colorado measure on the ground of insufficient population, but it was passed on the last day of the session by the close margin of 18 to 17.<sup>10</sup> Grimes and Trumbull strenuously opposed the Nevada bill for the same reason, and Garrett Davis, Democrat, attacked it hotly on that ground. Benjamin F. Wade, of Ohio, was the principal defender. Like the Colorado bill it was passed on the last day of the session, by a vote of 24 to 16.<sup>11</sup> Among the Republicans who voted no were Anthony, Foster, Grimes, Howe, King, Trumbull. They were not moved by Ashley's confessedly partisan motive. Sumner quietly supported all three of the bills.

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<sup>8</sup>Ibid., page 915.

<sup>9</sup> Ibid., pages 905, 1121, 1525.

<sup>10</sup> Ibid., pages 1513, 1523.

<sup>11</sup> Ibid., pages 1510-1512.

In a speech in the House, May 3, 1866, in advocacy of the admission of Colorado, Mr. Ashley said:

On the 24th March, 1864, the Congress of the United States passed an enabling act authorizing the people of the Territory of Colorado to form a constitution and State government prior to their admission into the Union. Enabling acts were also passed for the Territories of Nebraska and Nevada. I drew up those enabling acts and introduced them into this House; but finding that the Committee on Territories would not be reached in time for action on them in the Senate during the second [third] session of the Thirty-Seventh Congress, I carried them to the Senate and had them introduced there, and they passed that body; but this House failed to pass them at that session. At the first session of the Thirty-Eighth Congress the same bills or enabling acts were again introduced into both the Senate and House, and became laws. The bill authorizing the people of Colorado to form a constitution and State government became a law, as I have said, on the 24th of March, 1864.

My object in drafting and urging the passage of those enabling acts was twofold; one to establish a new principle in the admission of States into this Union, negating, as far as I could in the enabling acts, the old idea of State rights; the other to secure the vote of three more states, in case the election of President and Vice President in the year 1864 should come to the House of Representatives.

At the time those enabling acts were passed it was not thought expedient by the party to which I belong to prescribe the qualification of electors in the constitutions of States which were authorized to be organized and admitted into the Union. The people of Colorado, in the constitution which they formed in pursuance of that enabling act, and which constitution they rejected, prescribed that none but white persons should be electors within the State. The State of Nevada, having accepted the conditions prescribed by Congress, was admitted into the Union, with a provision in her constitution precisely like the one now objected to in the constitution of Colorado.<sup>12</sup>

Early in the session of the next Congress Ashley

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<sup>12</sup> Congressional Globe, first session thirty-ninth Congress page 2373. The bills were introduced at the third session of the thirty-seventh Congress, instead of the second as Mr. Ashley says; and he was in error also in saying that the Nebraska bill was passed in the Senate at that session.

again introduced an enabling bill (H. R. 14½) for Nebraska. On March 17, 1864, Samuel S. Cox, of Ohio, a noted Democratic leader, moved the following amendment:

*Provided*, That the said Territory shall not be admitted as a State until Congress shall be satisfied by a census taken under authority of law that the population of said Territory shall be equal to that required as the ratio for one member of Congress under the present apportionment.

The amendment was rejected—ayes 43, nays 72. All of those voting aye were Democrats, and all voting no, except Joseph Baily, Democrat, of Newport, Pennsylvania, were Republicans. The bill was then rushed through under the previous question and without a roll call, no record of the vote thereon being given.

Benjamin F. Wade, chairman of the committee on territories, and the most aggressive Republican partisan in the Senate, had charge of the bill in that house when it was passed, without roll call, on April 12, after a brief debate, in which, besides Wade, James Harlan, of Iowa, Lyman Trumbull, of Illinois, and La Fayette S. Foster, of Connecticut, all Republicans, took part. Mr. Harlan said:

There is an unusual provision in the twelfth section of the bill to which I desire to call attention. It is as follows:

That five per cent. of the proceeds of the sales of all public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the support of common schools.

It is not usual to grant the five per cent. on the sale of lands preceding the admission of the State. I call the attention of the chairman of the committee and the Senate to it. The usual provision is to give five per cent. of the proceeds of the sale of all public lands after the admission of the State.

Mr. Wade made this unconvincing reply:



This provision was in the bill as it came to us from the House of Representatives, and as those sales do not amount to much anyhow, we thought we might be generous to this State, and that it was not of sufficient importance to strike it out and make an amendment. There has not been a vast deal of land sold there; but the gentleman knows more than I do about the quantity. I suppose it will be somewhat expensive to erect a State government there, and I should be willing to extend this privilege to them, though I am not strenuous about it. If the Senate think it would be generous now to strike it out, they can do so. I prefer the bill as it is, but I shall not resist such an amendment.

Mr. Trumbull wanted to know what the population of the territory was by the last census. He thought there were "some twenty or thirty thousand people there," and then added:

If Congress think it proper to admit every twenty or thirty thousand people they can find anywhere as a State, they will multiply States very rapidly. The number of inhabitants necessary to send a Representative to the Congress of the United States in the old States is about one hundred and twenty-five thousand, I think.

Here Senator Garrett Davis, of Kentucky, interjected the information that the number was one hundred and twenty-seven thousand.

Mr. Foster inquired whether this small population of twenty-five thousand had asked to be admitted as a state; and he thought it very strange if they had.

If twenty-five thousand people in that far-off region are desirous of paying the expenses and bearing the burdens of a State government it seems to me wonderful. I should like very much to know how many of the population of that Territory have asked to be made a State. For one, I should not wish to impose upon them the burdens of a State government without their asking for it. It will make taxation very heavy to sustain a State government there.

And then he probed into the kernel of the scheme:

Some half dozen influential and ambitious men who aspire

to be Senators and members of the House of Representatives and district judges may very easily get up an apparent desire in the population of a Territory to be made into a State. But how far, outside of the men who aspire to these offices, does this desire extend? How far does it extend among the mass of the people? Who is it living in a Territory that would not prefer to have it continue a Territory until it had assumed the size and proportions of a State than to have it made prematurely into a State. Who, except the men who expect to hold these important offices?

The senator insisted that though the population seemed to him altogether too small to be made into a state, yet, if the people of the territory desired admission, he would not oppose it, though he should want, first, to be satisfied beyond peradventure that the great majority of the people themselves desired the change.

Wade answered the main objection by confession and avoidance.

I believe this Territory has as many inhabitants as the other Territories that we have already authorized to form a State government.

He was, singularly, unaware that the enabling act had been asked for through a memorial by the territorial legislature, and, in reply to Foster's doubts that the people wanted state government, he could only say that

They have a Delegate in the other House, who, I suppose, fairly represents their will and their wishes. He was there advising the passage of this bill.

Senator Foster again pressed his objection that there was no evidence that the people of the territory wanted state government, and that therefore it was, apparently, being pressed upon them.

It seems to me officious, to say the least, for us to pass a bill inviting them to come together and express their views on this question.<sup>13</sup>

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<sup>13</sup> The record of the proceedings on the bill in the House of Rep-

The half-hearted opposition to the measure by the Democrats of the House was probably inspired by the Democrats of the territory, who felt that they had nothing to gain, though perhaps something to lose, by the admission measure—because the offices and other emoluments appertaining to statehood would be likely to fall to their party opponents. The Democrats of the Senate seemed to be indifferent to this rather trivial consideration; but a positive spirit was engendered through the struggle over the method of restoring the rebel states to their proper places in the Union, which culminated in the impeachment of President Andrew Johnson. Democrats quite naturally took sides with the president; for they believed in his policy, and the division of the Republican party over it promised to be very advantageous to their own party.

President Lincoln signed the bill on April 19.

#### THE CONVENTION OF 1864.

Governor Alvin Saunders rather mildly presented the familiar arguments for a state government in his message to the ninth general assembly, on January 8, 1864; but he added the suggestion that if Colorado and Nevada, which had asked for state governments, should be admitted and Nebraska left out, "the question would naturally arise in the minds of persons contemplating emigration to any one of the Territories named, why was not Nebraska admitted also?" On January 13, A. H. Jackson, of Dakota county, but editor of *The Omaha Nebraskan*, a Democratic newspaper, introduced Council bill number 13, "a joint resolution and memorial to Con-

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representatives appears on page 1167 of the Congressional Globe, first session thirty-eighth Congress, part 2. For proceedings in the Senate, see the same volume, pages 1310, 1558, 1607.



gress, praying for an act enabling Nebraska Territory to become a state," which was read a second time under suspension of the rules and referred to the committee on federal relations—David Butler, of Pawnee county; William A. Little, of Douglas county; Turner M. Marquett, of Cass county. The committee reported back a substitute the next day which was passed without roll call. It was a curious coincidence that Butler was elected the first governor of the state, Little the first chief justice of the supreme court and Marquett the first member of the federal House of Representatives. Little was the only Democrat chosen at the first election for prospective state officers, but he died before assuming the office, and Oliver P. Mason, his Republican opponent, was appointed to fill the vacancy thus created. The committee's pro-state seed did not fall in stony places, but brought forth fruit precisely a hundred fold.

On the sixteenth the bill passed the House by a vote of twenty-four to eleven. Only eight of the twenty-four ayes were from the North Platte, and nine of the eleven nays were from that dissenting section.

The enabling act authorized the governor of the territory to order an election of members of a convention on June 6, which should assemble on July 4, to frame a constitution, the number of members of the convention to be "the same as now constitute both branches of the legislature"—fifty-two. Accordingly, on May 2, Governor Saunders issued a proclamation ordering the election.

The question of adopting state organization was not specifically submitted at the election, as it was in 1860, and the canvass turned on the election of members of the convention who were pledged to adjournment without forming a constitution, or the contrary. The division was generally along regular party lines, the Republicans,

then rather thinly disguised under the name, "Union party," contending for state organization, and the Democrats against. The anti-state party succeeded at the outset in putting their opponents on the defensive, and easily kept them in that attitude. The acrimony of the discussion of the issue was fully up to the standard of political debates of that period. The prematurity of the proposed change, predicated chiefly upon the inability of the people to sustain the increased cost of state government, was the main objection urged against it, and this potent appeal was artfully aided by the charge that covetousness of the tempting official perquisites of statehood was the main motive of the pro-state leaders. The Douglas county Democratic convention, held May 28, adopted the following resolutions which were presented by Andrew J. Poppleton.

Whereas, the Pro-State party in this County, backed by official patronage, and stimulated by unscrupulous, greedy seekers after office, are using every endeavor, by false representations, &c, to secure the election of their ticket, and thus aid in saddling upon the five thousand taxpayers of this Territory (scarcely enough to make a respectable county) scattered over an area of 113,000 square miles, the burden of supporting a State Government, therefore,

*Resolved*, That mass meetings be held in every precinct of this county, prior to the day of election of delegates to the Constitutional Convention for the purpose of bringing the issue fairly before the people, and that a committee be appointed by this convention, whose duty it shall be to provide speakers for the occasions, and to give due notice of the times of meeting.

*Resolved*, That the delegates to the constitutional convention, just nominated, be instructed to oppose the formation of a State constitution and government, and to favor and make the utmost effort to procure an adjournment *sine die*, immediately on the assembling of the convention and without any action towards the formation of a state constitution.

Andrew J. Poppleton, Charles H. Brown, and Clinton Briggs were appointed the committee on speakers.

“Three times three hearty good cheers were given for the anti-state ticket” at the close of the convention.<sup>14</sup>

The *Nebraskian* of June 17 resents the pretensions of the *Nebraska City News* that it deserved the entire credit of defeating state organization; and in support of its dissent the Omaha organ alleges that the first anti-state meeting was held by the Democrats of Douglas county on the seventh of May, at which James M. Woolworth, James G. Megeath, Origen D. Richardson, Andrew J. Poppleton and S. J. Goodrich reported a resolution requesting the Democratic central committee, which had been called to meet at Platts-mouth on the twelfth, to advise Democrats to support only such candidates for membership in the convention as would be pledged to adjourn without proceeding to business, and that the central committee acted accordingly. The *Nebraskian* declared further, that “there was not one State man elected in *our* beat, north of the Platte. How is it, in yours, Mr. News? You have a few *State delegates* in your diggins have you not?” On the tenth of June the *Nebraskian* said that “The entire North Platte are with us”; and that Sarpy, Cass and Otoe were largely anti-state. In the same paper it appears that the vote for Democratic delegates from Douglas county was: William A. Little, 366; Charles H. Brown, 365; John A. Hall, 365; Alfred H. Jackson, 366; Ferdinand Bunn, 366; Frederick Drexel, 550; John Patrick 337. The Union or pro-state delegates had scanty support: John H. Kellom, 68; Experience Estabrook, 47; Alex McAusland, 48; Louis A. Walker, 47; O. P. Hurford, 46; Joel T. Griffin, 63; S. C. Brewster, 47.

The *Nebraskian* of June 3 contends that though the

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<sup>14</sup> The Omaha *Nebraskian*, June 3, 1864.



United States pays two-thirds of the expense of the territorial government the territory can't pay the rest and is now in debt for it over fifty-four thousand dollars. How, then, could it support state government? Bankruptcy would be inevitable under it. On the other hand, the *Nebraska Republican*—of the same date—argues that the cost of state government, consisting of the expense of the legislature and salaries of the officers now paid by the federal government, would be only \$12,180, and it exclaims, "Let it be remembered that the General government has generously proposed to defray the expenses of our Constitutional Convention . . ." The *Republican* of May 27 said that at a "Union" mass meeting for Douglas county, held at Omaha, May 21, for the purpose of choosing delegates to the territorial convention to be held at Plattsmouth, General Experience Estabrook spoke in favor of state organization, and "his remarks were forcible and pertinent, and were received with general applause."

The expectant politicians neglected no plausible argument for state organization. In the light of our present knowledge, there is irony in the *Republican's* faith in the salt basin as a source of state revenue:

The salt springs of Nebraska, which will come into possession of the new State, would if properly managed, yield a revenue to the State Treasury more than sufficient to meet all the increased expenditures incident to a State government.

Subsequent experiments with the salt springs cost private citizens and the state itself large sums of money, and they yielded great disappointment and a merely nominal revenue. This prolific issue of the *Republican*, forgetful of the adage that consistency is the stumbling block of fools, appealed to it to rebuke a man eminently resourceful in expedients:

Sterling Morton & Co., who were a few years ago clamoring for State organization now oppose it, because they fear that Nebraska may aid in the adoption of the slavery prohibition amendment to the federal constitution. How many Republicans and Union Democrats will aid them to uphold the "divine institution" we shall see.

The *Nebraskian* (June 24, 1864), in an incisive anti-state summing-up, throws light on the partisan side of the question and exhibits the pugilistic punch of pioneer journalism in Nebraska:

The plan was laid at Washington by Abe, [Lincoln] Seward & Co., and the details and execution of the plan were left to Sam Daily, Webster [Edward D.] and others there and the officials of a lower grade here at home. The first step was to pass the enabling act. That feat was done with great unanimity. Abe took snuff and all the clan at Washington sneezed and as soon as the news came here all the dogs of low degree, "Tray, Blanch and Sweetheart" all sneezed. In the county of Douglas forty-six sneezed. On the hypothesis that the people were nobody, they were not consulted nor their rights and best interests at all regarded. The law was passed.—Did Daly do his duty? Did he faithfully represent the people of Nebraska on the floor of Congress when that bill was on its transit? Did he like an honest man present the memorial asking congress to give us the privilege of voting yea or nay on the question of having a State Government? Not a bit of it. On the contrary he basely betrayed his trust and like an unprincipled and faithless demagogue as he is, he suppressed the memorial and lisped not a word in favor of submitting the question referred to to the people. . . So the law was passed. It was the first act in the drama. In due time it made its appearance here and the second act, the making of the constitution was to be accomplished, and here the people paused. They were now for the first time noticed. They with "loud acclaim" condemned the entire plan. An overwhelming majority instructed their delegates to vote an immediate adjournment *sine die* without further action. And now what? This loud, this "deep damnation" by the popular voice is to be ignored and we are to be cheated, swindled into a State after all! And this fraud is to be effected by the shallow quibble that the *law binds the convention to make a constitution*.

No doubt that was intended by the wire-pullers and political jugglers at Washington. But how foolish to suppose they have succeeded. The act "enables" the people of Ne-

braska through a convention to form a constitution. It does not say they *shall* do it, but *may*. They have said they will do no such thing. Congress, the present one, has in its folly and fanaticism done many silly, absurd, wicked and unconditional acts—and under this despotic administration the attempt has been made in some instances to *coerce the political action* of the people. We would have no objection to see the experiment tried here if such be the design of the wire-pullers. If they suppose they can force the intelligent and plucky voters of Nebraska to make a constitution against their better judgment, we say let them try it. . .

The territorial convention of the Union party, held May 26, inexplicably dodged the issue which the party leaders sought to make paramount, while the Democratic convention, held June 22, exulted in the rebuke of the “iniquity” with painful prolixity:

*Resolved*, That we congratulate the Democracy of Nebraska upon the result of the recent election of members of the Constitutional Convention by which an overwhelming majority stand pledged to adjourn, *sine die* on the first day of the session without proceeding to business. The people are thus saved the expenses of a session of the convention which would have added at least \$25,000 to our public debt. An election has been forestalled at which the money of the Administration poured out like water would have been employed upon the corruptable; a State government has been declined whose sole benefit of multiplying officers and facilitating public plunder would be dearly purchased by ruinous taxation, which must have eaten out the subsistence of our people, and drafts for the army which would have consumed a [our] population.

An iniquity has been emphatically rebuked which would have constituted 30,000 people the sovereign equals of New York, or Ohio, or Illinois in order that three electoral votes might be added to the purchase by which a corrupt Administration is seeking to perpetuate its power, and while we yield all commendation to the independent and truly patriotic members of the Republican and other parties, who lent us their aid to thwart these purposes of unqualified infamy, it must be remembered that the plan by which these inestimable benefits are assured to us was conceived, carried forward and accomplished by the Democracy of Nebraska.

2d, That we have heard with astonishment that certain federal office holders in this territory propose, in utter disregard



to the popular sentiment expressed with great unanimity at the late election, to persist in their scheme of forcing the burden of a state government upon this people by cunningly devised oaths to be administered to the members of that convention and by an organization of the minority of that body, notwithstanding its adjournment by the majority, and that such a project, and the first suggestion of such a project, by repudiated and debauched politicians, deserves, and will receive the opprobrium, and its authors will meet the fate of revolutionary fanatics, faithless to public duty and defeated in treasonable measures.<sup>15</sup> . . .

The committee which presented the resolutions consisted of J. Sterling Morton, chairman, James M. Woolworth, John Finney, William H. Spratlin, Dr. George B. Graff.

But this invective is quite inconsistent with the admonition of the principal pro-state organ:

Indeed, there is no occasion for the delegates to meet together at the capital at all. If it is clear that there is a majority elected, who will oppose the making of a constitution, why not remain at home and let the whole thing go by default? *Such* a course will save the *members* the amount of their traveling expenses, and no time will be lost. If no quorum appear, the matter is settled, and the enabling act goes for naught. We therefore suggest, in all good faith, that the members agree among themselves *that they* will remain *at home*. All expenses can thus be saved. Why spend two thousand dollars in coming to the Capitol *to adjourn*? If the members have to divide the expense among *themselves*, it will work unnecessary hardship. If they should decide to saddle it upon the tax-payers of Nebraska, for whom they have recently evinced such 'tender emotions,' it would be *cruel*, and besides it would have an ugly look. There isn't the slightest show that Uncle Sam will 'foot the bill.' The only *safe course*, therefore, *is to stay at home*.<sup>16</sup>

This advice, though prudent, was disingenuous if not contradictory; for it turned out that the paternal federal government recognized this expenditure as a just liability

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<sup>15</sup> Ibid., July 1, 1864.

<sup>16</sup> The Nebraska Republican (Omaha), June 10, 1864.

—perhaps because, as we have seen, its own representatives had prompted its incurrence. The *Republican* of July 15, contains a letter from Samuel Maxwell to Algernon S. Paddock, secretary of the territory, authorizing him to donate the mileage and per diem due the writer of the letter as a delegate to the convention, to the United States Sanitary Commission, and a reply from Paddock, in appropriately “patriotic” phrase, informed the devotee delegate that the sum of \$10.50 had been sent to relieve the needs and sufferings of the soldiers.

Forty-three delegates appeared at the convention. Whether or not nine others, making the full complement, were elected, does not appear from the newspapers, the only known source of information. At any rate, the advice of the *Republican* to the delegates to stay at home was not much heeded. The annals of the convention are short and simple. It met at the capitol, and was called to order by John Patrick, of Omaha. The committee on credentials consisted of Alfred H. Jackson, of Douglas county; Cornelius O'Connor, of Dakota; Charles F. Walther, of Richardson; Jefferson B. Weston, of Gage. Sterling P. Majors (father of Thomas J. Majors), of Nemaha, was temporary president, and Edwin A. Allen, of Washington, temporary secretary. On the informal ballot for permanent president, John Patrick received twenty votes; Sterling P. Majors, ten; John W. Chapman, nine; John Finney, one. Majors was elected on the first formal ballot, receiving twenty-three votes against twenty cast for Patrick. Algernon S. Paddock, secretary of the territory, administered the oath of office to the members. Immediately after organization was completed Jackson, of Douglas, offered the following resolution:

*Resolved*, That this convention adjourn, *sine die*, without forming a constitution.

Thirty-seven votes were cast for the resolution and seven against it, whereupon the convention adjourned.<sup>17</sup>

#### CONSTITUTION OF 1866.

Notwithstanding the rude repulse of 1864, Governor Saunders continued rather timidly to coy with and coddle the elusive object of ambitious political desire in his message to the legislative assembly of 1865; and he worked into this wooing an altruistic patriotic plea that the people of the territory ought to relieve the mother government from her great financial burden, due to the war, to the extent of establishing a self-supporting state government:

During your last session a joint resolution was passed, asking Congress to pass an act to enable the people of Nebraska to form a Constitution preparatory to an early admission into the Union as one of the independent states. Congress passed the act, but it was done near the close of the session, and there

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<sup>17</sup> Following are the names of the delegates: Richardson county, Charles F. Walther, James Holcomb, James W. Leverett, Eugene H. Johnson, Oliver P. Bayne; Pawnee, Charles W. Giddings; Pawnee, Gage, Johnson, Clay and Jones, Jefferson B. Weston, Dr. Herman M. Reynolds; Nemaha, Daniel C. Sanders, Charles G. Dorsey, Rev. William S. Horn, Sterling P. Majors; Otoe, Frederick Beyschlag, William McLennan, Dr. Frederick Renner, Lewis D. Laune, Robert Campbell, T. James Fitchie, James Sweet; Cass, John W. Chapman, Samuel Maxwell, Lawson Sheldon, Robert D. Hoback, Dr. Henry Bradford; Sarpy, John Q. Goss; Sarpy and Dodge, John Finney; Douglas, William A. Little, John Patrick, Alfred H. Jackson, Frederick Drexel, Frederick Bunn, Charles H. Brown, John A. Hall; Platte, Guy C. Barnum; Platte, Hall, Buffalo and Merrick, Isaac Albertson; Washington, Abraham Castetter, Elias H. Clark; Washington, Burt and Cuming, William Kline; Dakota, Dr. George B. Graff; Dakota, Cedar, Dixon and L'Eau Qui Court, Cornelius O'Connor, Leander Davis; Dixon, Cedar and L'Eau Qui Court, Walter P. Heydon; Platte, Monroe, Merrick, Hall, Buffalo, Kearney, Jason Parker.

The nine lacking members were due from the following districts: Johnson county, 1; Lancaster, 1; Clay, Lancaster, Seward and Saunders, 1; Saline, Butler, Lincoln and Kearney, 1; Sarpy, 1; Dodge, 1; Burt and Cuming, 1; Cass, Lancaster, Saline and Seward, 1; Nemaha, 1.



was scarcely time enough allowed, between the date of the reception of the bill in the Territory and the election of the members of the Convention, for the people to learn of its passage—certainly not enough to enable them to consider, thoroughly and dispassionately, the principles of the bill or the terms on which it was proposed to admit the Territory into the family of States. Under these circumstances, a large majority of the people decided that the members of the Convention should adjourn without forming or submitting any Constitution whatever. This decision of the people, under the circumstances, was just what might have been anticipated. It, however, is no proof that when convinced that liberal terms are proposed by the General Government they would not readily consent to take their place in the great family of States. One of the great and leading objects of forming Territorial Governments is to take the first step towards making a State. This is undoubtedly the object and aim of all Territories.

The strongest argument used against the admission into the Union, by those who opposed it, is perhaps the last one that should be resorted to by friends of our Government. I allude to the argument that we ought not to tax ourselves for anything which the General Government is willing, or is bound to pay. In other words that, so long as the General Government is willing to pay the expenses of the Territory, so long the people should refuse to change their form of Government. All parties are, I presume, ready to admit that our Government has quite as much as it can well do to maintain itself against its wicked enemies, who are trying to overthrow it; and it seems to me that all loyal and Union-loving people would be willing to assist in bearing their proper burdens; at least, that they should not longer insist on drawing from the General Government that which we might provide for ourselves. Your own knowledge of the wishes of the people—being fresh from their midst—will enable you to decide whether or not the people would desire any further action at present on this subject. I shall therefore leave the whole subject with you, believing that you will decide the matter in accordance with their wishes.<sup>18</sup>

These renewed but timid advances were not reciprocated, and no measure for reviving the issue was introduced in either House. By the next year, however, the statehood desire had revived in Republican, and found lodgment in some Democratic breasts.

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<sup>18</sup> House Journal of the Legislative Assembly, tenth session, page 18.

On February 5, John R. Porter, of Douglas county, introduced Council file number 22, "A joint resolution submitting a constitution for a State government to the people for their approval or rejection," the election to be held on the second day of June, 1866, and conducted in the same manner as elections for territorial officers.

After the second reading the resolution was referred to a special committee consisting of John B. Bennet, of Otoe county; John R. Porter, of Douglas; John W. Chapman, of Cass; and, on the same day, the committee recommended the passage of the measure. After some filibustering and an attempt to amend the judiciary article of the constitution, the resolution was read a third time, under suspension of the rules, and passed by a vote of seven to six. Those voting aye were Bennet, of Otoe county; Chapman, of Cass; Thomas L. Griffey, of Dakota; Andrew S. Holladay, of Nemaha; J. G. Miller, of Cass; Oliver P. Mason, of Otoe; John R. Porter, of Douglas. Those voting nay were Isaac Albertson, of Platte; Edwin A. Allen, of Washington; Corrington Blanchard, of Sarpy; George Faulkner, of Richardson; Benjamin E. B. Kennedy, of Douglas; Jeremiah McCasland, of Pawnee.

In the House there were unsuccessful attempts to obstruct the passage of the resolution, but it was passed on February 8, by a vote of 22 to 16. The assumption of statehood was again opposed on the ground that the additional expense of a state government was unnecessary and would be oppressive. On the other hand the section south of the Platte favored state government on the ground that under territorial government the north of the Platte section, and especially Omaha, because it contained the capital, was able to procure undue governmental favors, while, under a purely local state government, the south Platte section, having a preponderance

of the population, would come into control. And so, of the twenty-two affirmative votes, only seven were cast by North Platte members while, of the sixteen negative votes, nine were by North Platte members.

On January 26, Charles H. Brown, a Democratic leader, of Douglas county, introduced into the House the following fiery preamble and resolution :

WHEREAS, Certain official politicians have assiduously sought, through specious arguments, to create a sentiment in favor of, and induce the people to change their simple and economical form of government, which heretofore has been and now is a blessing, for one which will have many new, useless and burdensome offices, to be filled by persons ambitious to occupy places of profit and trust, even at the expense of the taxpayers, and which will in its organization and operation necessarily be burdensome and ruinous to an extent which none can foresee, and consequently involving a taxation which will eat out the substance of the people ;

AND WHEREAS, we believe that all political power, and the right to retain or lay aside forms of government, reside in and naturally pertain to the people, and that in all cases where a radical change in form of government and laws is intended to be effected, involving personal rights or great expenditure of treasure, the same should be accomplished only after the people have expressed their desire for such a result, by choosing, through the ballot box, their representatives, with express reference thereto ;

AND WHEREAS, the people of this territory but a short time ago, with almost entire unanimity, expressed their unqualified disapproval and condemnation of any attempt to force on them the grinding taxation incident to, and schemes of politicians for, state government, and have not since then, by ballot or otherwise, expressed a wish for increased and increasing burdens and taxation ;

AND WHEREAS, personal interest and selfish considerations are strong inducements and powerful incentives for individual or combined action, and certain politicians have industriously sought again to force state government upon the people, and compel them again at great expense and trouble, whether they wish or not, to consider that question, and through fraud and chicanery fasten this incubus upon them ;

AND WHEREAS, his excellency, Alvin Saunders, the chief executive federal officer of this territory has, with great consider-



ation, after the rebuke given but a brief period ago by the people to political schemers for state organization, again, by plausible arguments, thrust, in his annual message at this session, this repudiated question upon the Legislative Assembly for its action, and has sought, in an unusual manner, to force a constitution 'by whatever body or by whomsoever made,' upon the people of this Territory, without giving them even the small privilege, to say nothing of their absolute and almost unqualified right, to select whomsoever they might see fit to comprise that body, through whose actions they might entrust so grave and vital a question as making a constitution;

*Therefore, be it resolved*, as the sense of this House, that it is unwise to take any steps which will throw this question upon the people without their first having asked for its submission to them.

On motion of Lorenzo Crounse, then of Richardson county, consideration of the resolution was postponed until July 1, 1866—beyond the limits of the session. The vote on the resolution was 20 to 14, nearly a party division.<sup>19</sup>

On February 9, a resolution offered by James A. Gilmore, of Otoe county, that a committee of five be appointed by the speaker, "to investigate charges of bribery and corruption which have been made in relation to the passage of the joint resolution submitting a constitution to the people," was passed unanimously. This committee, at first, comprised Joseph Arnold, of Cass County; Lorenzo Crounse, Richardson; James A. Gilmore, Otoe; Joseph W. Paddock, Douglas; James Thorn, chairman, Otoe. On February 10, Guy C. Barnum, of Platte, and Charles H. Brown, of Douglas, were substituted for Gilmore and Paddock, who were excused from further service.

On February 12, a majority report and a minority report were submitted, the first signed by Thorn, Barnum and Brown, the second by Crounse and Arnold. On

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<sup>19</sup> Ibid., eleventh session, pages 91-92.

motion of Samuel Maxwell, of Cass, the minority report was adopted without roll call.

The following account of the proceedings, by the *Omaha Republican* (weekly) of February 16, 1866, though colored by partisanship, throws an interesting light on the episode.

Mr. Thorn, from the select committee to investigate alleged bribery and corruption in the passage of the joint resolution submitting a constitution to the people for ratification or rejection, proposed to submit the pencilled notes of the testimony taken by a majority of the committee as the report of the majority. Mr. Lake objected, and desired that the majority should, in accordance with the purposes expressed in the resolution of Mr. Gilmore, report some conclusion arrived at by them from the testimony, with a recommendation of the committee for the action of the House. He further contended that the testimony had either inculpated some person or persons, or that there was no sufficient foundation for the investigation. All that he desired was that the committee should discharge its duty by reporting something for the definite action of the House. Mr. Brown, a member of the committee, contended that the house was bound to receive the voluminous pencilled, blurred, erased and interlined notes of the testimony made by the majority of the committee, and have it spread upon the journals as the report of the committee, and that the House must draw their own conclusions therefrom without any further aid from the committee. That for his part he was unwilling to say that the committee would not take the responsibility of preferring a charge.

The testimony was recommitted to the committee, on motion of Mr. Lake, with instructions to report some conclusion, if any, the committee had arrived at, or that there was no sufficient testimony to justify one.

Mr. Thorn, from the select committee above noticed, presented again the report of the majority with the testimony. Mr. Crounse, from the minority of the committee presented a report. The majority and minority reports, and the testimony accompanying them, was now read. Mr. Maxon moved that the minority report be adopted, and upon this motion there was a protracted debate, in which Mr. Lake, Crounse, Brown and Barnum participated. Mr. Lake and Mr. Crounse contending that the majority of the committee had failed to fulfil the requirements of the house, as they still refused to report anything for the definite action of the house.

Mr. Crounse said that the majority of the sessions of the committee had manifested the utmost partiality and unfairness, calling witnesses without consultation with the minority, and examining them with no reference to the exposition of the alleged bribery and corruption, but clearly and manifestly with the intent of manufacturing capital against the constitution and its friends. That the majority of the committee had, in charity, he must believe, been prompted by unscrupulous partisans, who were hanging around the House and endeavoring to defeat and unpopularize the State movement by the most debasing arts of desperate demagogues, manifesting thereby a consciousness of their inability to meet the friends of State in an open and fair field fight; that this mode of warfare was in character with the man who led the opposition. He also said that the investigation had proven that offers were made to State men that if they would vote to divide the election of the officers and the submission of the Constitution, that the opponents would vote for a bill of considerable importance, in which some of the State men were interested—a bill for the incorporation of the Missouri Colonization Society. Mr. Crounse further said that the testimony when fairly reviewed established the fact that no means, even of the most desperate resort, were to be spared in the contest against State; that it was only for the purpose of blinding and misleading the people that the investigation had been concocted; that they hoped to unpopularize the State movement by diverting the minds of the people from the matchless fundamental law presented for their consideration with its economical provisions for the administration of the State government, and the development of the resources of the country, and the advancement of all the material interests of the people, for whom it was framed and from whom it must receive its vitality, by dastardly attacks upon the character of some of its friends.

Mr. Brown replied by denying that such was the purpose of its opponents. The house then adopted the minority report made by Mr. Crounse.

The minority report, signed by Lorenzo Crounse, then of Richardson county, and Joseph Arnold, of Cass, was very partisan in spirit and language and J. Sterling Morton was, of course, the object of its most animated aspersions, a deserved tribute to his ability, boldness and superiority to consistency. The accusers contended that the investigation was instituted by that



branch of the House which was opposed to statehood and urged on by outside politicians to defeat it, by such unfair means as damaging personal reputations.

As a proof of this we might refer to the following facts which appear in the testimony: one J. Sterling Morton, editor of "Nebraska City News," a would-be leader of the democracy of the territory, and active anti-state man before, during and since the submission and passage of [the] joint resolution, has spent most of his time on the floor of this House caucusing with members, drafting buncombe political resolutions for members to introduce in the House, by which its time was occupied to the exclusion of more legitimate and profitable business. The appointment of this committee would seem to have been directed with a view to this end; the very chairman, the Hon. Mr. Thorn, appears, by the evidence, to have been an instrument used by said J. Sterling Morton to introduce a resolution "blocked out" by him, and directed against state. The Hon. Mr. Brown, as appears by the House Journal, was the introducer, if not the framer, of another preamble and resolution against state, of a most insulting character, and which was most summarily disposed of by this House.

The investigation adduced testimony to show that Morton had approached John B. Bennet, member of the Council from his own county of Otoe, with a proposition, signed by fifteen anti-state members of the general assembly, that if pro-state members would separate the question of state from that of the election of state officers, the fifteen would go for the suspension of the rules, and pledge themselves that the bill for submitting the constitution to the people should not be defeated. With the exception of the charge that pro-state partisans had attempted to bribe Theodore H. Robertson, member of the House from Sarpy county, the offenses considered in the report were of no greater turpitude than those immemorially and commonly ascribed to legislative bodies. But this accusation, of gravest import and commonly counted too important to be ignored, was dismissed on the bland presumption that the alleged offenders, both of the first

and the second part, were too inherently virtuous to commit the alleged offense.<sup>20</sup> Charles H. Brown, of Douglas county, who of all the company of wranglers was perhaps second only to Morton in resourcefulness and certainly excelled him in bold and fearless attack, was quite naturally next to Morton as the target of counter attack.

Those who respectively advocated and opposed statehood in 1860 simply and nimbly changed sides in 1864; but those who changed to the affirmative had a relatively better excuse than their opponents for the exchange, because in the meantime the territory had become fitter, or less unfit, for statehood, in point of population and ability to maintain a government, than it had been in 1860. Frank philosophers from Gil Blas to Galsworthy have laughed at the conceit or pretension of consistent devotion to principles. "How much better principles are in theory than in practice," says the far-seeing Felix—in *The Freelands*—and an able eulogy of the life of the late Bishop Potter attributes its success largely to his capacity for carrying his principles in a kit.

The *Omaha Weekly Herald* (February 9, 1866) denounced Crounse for "getting behind his privilege as a member of the House to assail Mr. Morton"; and it alleged that "Six thousand dollars for a State paper were offered one member, a known opponent of State, who declined the tender and laughed to scorn the effort to induce him to violate his sense of right."

The constitution was prepared by a self-appointed committee of lawyers, which met for the purpose in Experience Estabrook's office in Omaha,<sup>21</sup> and it based its

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<sup>20</sup> Ibid., page 203.

<sup>21</sup> Mr. Estabrook said that this committee consisted of nine members and that they were appointed by the sixth territorial legislature in 1866. (See my footnote, 237, volume III, page 123, History of Nebras-

legitimacy upon the enabling act of 1864 and acknowledged acceptance of its terms, notwithstanding that the

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ka; also page 511, volume I, *Ibid.*) Judge Lorenzo Crounse said (volume II, page 211, *Nebraska Reports*): As is well known, the constitution was originally drafted in a lawyer's office by a few self-appointed individuals," and Chief Justice Mason, who was one of the committee, acquiesced in Crounse's statement. (*Ibid.*, page 226.) See volume I, page 511, *History of Nebraska*, for a more extended account of the preparation of the constitution.

The statement of the case on the part of the Democrats, charging that the constitution and the Republican candidates were dishonestly counted in, is published in the *History of Nebraska*, volume I, pages 529-536. In the opinion of the court in the case of *Brittle vs. the People* (*Nebraska Reports*, volume II, page 214), Judge Lorenzo Crounse said: "A criminal is put upon his trial, and, as a defense, he offers to show that, at the June election in 1866, a clear majority voted against the adoption of the constitution, notwithstanding the board of canvassers have declared otherwise. . . I am satisfied that he could make a fair showing in that direction. It is said that a whole precinct in one county was thrown out, where the majority was largely against the constitution; that in another place a large number of soldiers voted in its favor with no pretext of right so to do; and in other respects irregularities intervened which might easily overcome the declared majority of a hundred." Chief Justice Mason, who, like his confessing associate, came into his office by virtue of the alleged miscount—though indirectly—seemed almost persuaded to endorse the confession: "The history of the admission of Nebraska into the Union, given at length by my brother Crounse, may be briefly stated thus: A small number of men, without authority of law, drew up the constitution; and the legislature provided for its submission to a vote of the people. . . At an election held for the purpose, a majority voted for the constitution. This majority was small; and my brother seems anxious to concede that there was no majority at all, but that it was only made to appear by divers transparent frauds. Nevertheless, the canvassers appointed by the legislature for the purpose, consisting of the Territorial governor, secretary, and auditor declared the vote favorable to the constitution." (*Ibid.*, page 226.) The averment of the last sentence quoted is erroneous. The constitution itself prescribed that the governor (Alvin Saunders), the territorial attorney (Daniel Gantt), and the chief justice of the territory (William Kellogg) should canvass the votes for and against the constitution. The constitution also prescribed that the officers named by Justice Mason should canvass "the election returns for the governor, secretary of state, auditor, treasurer, and supreme judges."



act specifically directed that the constitution should be formed by a convention to be organized according to its specific prescription.

The *Herald* described the procedure in the legislature in the following terse terms:

The Constitution . . . was pressed through the legislature in such haste that not one man in six had a moment allowed to examine the instrument . . . Democrats who favored the measure, and Democrats and Republicans who opposed, were denied the privilege of either amending or examining the Constitution. . . . not one man in twenty in the legislature has ever read the Constitution . . . This Constitution was not even printed. It was not even referred to a Committee of either House . . . even discussion of the stray paragraphs which members caught the sense of from the hurried reading of the clerk, was denied to members under the resistless pressure brought to bear upon the majority to rush it through.

The *Herald's* statement that the constitution was not referred to a committee of either House was too sweeping. The present editor has heretofore outlined the procedure according to the records of the two Houses.

The constitution did not even enter the legislature through the natural channels of the judiciary, or any other committee, but was injected by Porter, of Douglas, that task being assigned to him, presumably because he was the only Democrat of his delegation or of prominence who favored its submission at all. It was then referred to a special committee consisting of Bennet, Porter, and Chapman, who recommended it for passage the same day when it was at once passed, the Council refusing, by a vote of 6 to 7, to hear it read the third time. The House even refused to let the important document go to a committee at all, the motion of Robertson to refer it to the committee on federal relations being defeated by 14 to 24, and two attempts to amend, made in the regular session, were frustrated by Lake's insistent motion to table. This fundamental law of a commonwealth was not even considered in committee of the whole in either House. It was cut by outside hands, and without time for drying was railroaded on its legislative passage. Even the Republican Nebraska City *Press* was moved to say that "a few broken down political hacks about Omaha seemed

determined upon their mad scheme of forcing a constitution before the people through the legislature." <sup>22</sup>

The first, or provisional state legislature contained thirteen senators and thirty-eight representatives.<sup>23</sup> All of the five Democratic senators and six of the seventeen Democratic members of the House of Representatives joined in a protest, putatively drawn by James M. Woolworth, against the counting in of the four Republican candidates for seats in the House and one for the Senate, from Cass county, and a Republican candidate—John Cadman, of Lancaster—for a seat in the Senate from the district comprising the counties of Cass, Lancaster, Saline, Saunders and Seward:

On the 19th of April, 1864, Congress passed an act authorizing the people of Nebraska to form a State government. The act provided for an election, in May, of members of a convention which should assemble on the fourth of July, and frame a constitution. This instrument was to be presented to the people, for their adoption or rejection, in October. The act did not provide for taking the sense of the people upon the fundamental question, whether or not they would become a State. But they asked it and answered it, and in this way: In the election for members of the convention, party lines were not drawn. On one side, candidates favorable to State organization were nominated; on the other, candidates who were pledged to vote for an adjournment, *sine die*, as soon as the convention was organized and before it proceeded to business. The result was, two-thirds of the members elected were favorable to adjourning, and they were elected by very large majorities. For instance, in Douglas, one of the most populous and wealthy counties in the Territory, but forty-five votes were cast for State organization. No record of the election was preserved, but we believe the majority was proportionately as large elsewhere as in that county. Accordingly, when the convention assembled on the fourth of July, 1864, it organized

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<sup>22</sup> *Omaha Weekly Herald*, Feb. 16, 1866; History of Nebraska, volume I, page 511.

<sup>23</sup> The district comprising the counties of Lancaster, Seward and Saunders was not represented in this legislature.

by the election of its officers and immediately adjourned, *sine die*.

This emphatic expression of popular will, as was generally supposed, laid State organization at rest. At the general election in October, 1865, it was not even suggested. In its platform, adopted at a territorial convention for nominating candidates for auditor and treasurer, the Republican party did not mention the subject. The Democrats, in a very emphatic resolution, declared against any movement which did not provide for taking the popular vote on that subject, divested of all other issues, and before any step was taken toward framing a constitution. Had it been supposed possible that the territorial legislature would draft a constitution, many men who succeeded in obtaining an election to it would have failed to receive so much as a nomination. For instance, in the delegation from Otoe county were O. P. Mason and J. B. Bennet of the Council, and J. H. Maxon of the House. These gentlemen, after the legislature assembled, showed themselves to be very ardent friends of the scheme for that body making a state of Nebraska. And yet their county rejected their constitution by a majority of over four hundred votes. So, too, the Cass delegation supported the measure, and their county gave a majority of three hundred and twenty-five against it. Not one of them could have been elected if they had been known to favor state organization.

But after election the plan was developed. It was proposed now, for the first time, that the legislature should resolve itself into a convention, draft a constitution, and organize a State government. Conscious that such action was an exercise of powers confided to that body neither by the law nor the people, the attempt was made to obtain petitions, numerously signed, praying the two houses to perform this extra service. These petitions were in large numbers sent out of the "executive office" into all parts of the Territory, accompanied by letters urging the parties receiving them to circulate them generally in their neighborhood, obtain signatures and return them. The measure was prosecuted with great energy. Nearly every citizen in the Territory was solicited to sign one of these petitions. With all these efforts only about six hundred names were obtained. The attempt to give the scheme the appearance of a popular movement was confessedly abortive, so that the petitions were never made an apology for the actions of the legislature.

At the opening of the session, a decided majority of the members of the House were opposed to the measure. Among the Republicans, many were determined in their opposition. All the federal officials, Governor Saunders, Chief Justice Kellogg,



Secretary Paddock, Indian Superintendent Taylor, and others made a party question of it. It was given out that no man who opposed it could expect or should receive recognition in the party. Meeting after meeting was held and the matter urged by all the eloquence and sophistry possible, while private conversations were converted into private appeals and private bargains. One by one was won over—promises of offices and of contracts and yet more tangible influences doing the work. Chief Justice Kellogg, Secretary Paddock, Mr. Mason and two or three others now set themselves to draft the constitution which this legislature should adopt. In the calm and undisturbed retirement of private rooms, and under the protection, from interruption, of locks and keys, these gentlemen pursued their work. They produced an instrument suited to their purposes, which the legislature was to adopt at their discretion. Its chief merit was that it provided a cheap government. According to their estimates, its annual expenses would not exceed over twelve thousand dollars. Not a single State officer, except the judges, was to receive as much as a hod carrier's earnings. The people, it was insisted, were able to support a State government, but were not willing to pay their officers respectable soldiers' pay for their services. A respectable State government would, they argued, frighten the people, and they would reject the constitution. A cheap government of cheap men answered the purpose designed, inasmuch as the senators in Congress are paid by the United States.

On the fourth day of February, 1866, their constitution was introduced into the Council, accompanied by a joint resolution in these words:

*Resolved*, By the Council and House of Representatives of the Territory of Nebraska, That the foregoing constitution be submitted to the qualified electors of the Territory, for their adoption or rejection, at an election hereby authorized to be held at the time and in the manner specified in the seventh.(7th) section of the schedule of said constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

The constitution was not printed for the use of either House. No amendment was permitted to one of its provisions. A strenuous effort was made to obtain an amendment separating the election upon the adoption or rejection of this instrument from that for State officers; but the decisive answer was, candidates for office under the State organization will support the constitution. The effort therefore failed.

This famous exposition sums up the irregularities of the judges and clerks of election in Rock Bluffs precinct:

The charge of FRAUD. Mr. Spurlock himself swears that there was no evidence of fraud, but the board thought that there was "possibility of fraud." On the other hand, the judges and clerks were sworn and they all agree in this statement: at noon Mr. Hutchinson, the senior judge, declared the poll closed for one hour. Mr. Murray, another judge, locked the ballot box securely and put the key in his pocket, and then the poll books were locked in a desk, Mr. Murray also taking the key. Mr. Hutchinson and Mr. Smith, one of the clerks, took the box and went to the house of the former to dinner. Mr. Murray went in another direction to his dinner. During the interval Mr. Hutchinson and Mr. Smith both had the box constantly in their view, and it was not opened or otherwise tampered with. All the members of the board met at the door of the house, about the same time after dinner, and went in together. The poll books had not been disturbed. The same thing was done at 6 o'clock in the evening. Each adjournment was about an hour in length. No one was deprived of the opportunity of voting by the adjournment. And all whose names were on the poll book voted, and all but one of them were qualified electors. . . . .

Now let us apply these salutary principles to this case. It was proved and we have stated above, that no one was deprived of his right to vote by anything that occurred at Rock Bluffs. With a single exception no one voted who had not the right to vote. The poll book, verified by the judges and clerks, and the tally list both included in the final certificate of the judges and clerks, show with absolute certainty what was the true number of legal votes. The three objects of the law specified by the court were accomplished. In its language, [quoting from *The People vs. Cook*, New York Court of Appeals, 6 Selden] 'to reject the whole vote, simply because the judges' went home to dinner and supper, and certified the poll book and tally sheet at the end of the abstract instead of separately, 'is to place a higher value on the statute regulation than on the right itself. It would be a sacrifice of substance to form.'

A radical board of canvassers thus declared the Democratic State ticket defeated. This declaration is made by refusing to count the votes of 158 *bona fide* citizens of the Rock Bluffs precinct in Cass county, and at the same time counting the soldier vote of men who lived anywhere but in Nebraska. We can illustrate this subject by an analysis of the respective

votes given to David Butler, candidate for governor, a very strong leader of radicals in Nebraska, and his opponent, Morton, the Democratic candidate for governor:

Butler's entire vote is.....	4,093
We deduct from this the soldiers' vote cast for him.....	152
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And his citizens' vote is shown to be just.....	3,941
By throwing out Rock Bluffs vote Butler lost.....	50
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Adding that 50 we have exactly.....	3,991
That is to say, Butler has a citizens' vote of.....	3,991
Morton's entire vote is .....	3,948
We deduct from this the soldiers' vote cast for him.....	41
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And his citizens' vote is shown to be just.....	3,907
By throwing out Rock Bluffs, Morton lost 107, add that in	107
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And we will find his citizens' vote to be.....	4,014

That is to say, 4,014 citizens voted for Morton for governor, and that honestly and legally elected him, by a majority of just 23 votes over David Butler.

Thus the entire Democratic ticket was elected by the legal home vote of the *bona fide* citizens of Nebraska.<sup>24</sup>

In the discussion of the admission bill in the Senate, July 27, 1867, James R. Doolittle, of Wisconsin, strongly argued that material frauds had been committed at the Nebraska election in question, and he especially emphasized the illegality of the soldier vote:

Since I was on the floor before, I have learned more of the particulars of this matter from Captain Lowry, of the first Nebraska regiment. Companies I and F, of the first Nebraska regiment, were raised in Iowa, soldiers of Iowa, and were stationed at Fort Kearney, and on a commission from the State of Iowa, voted for Governor Stone at Fort Kearney last year. And these same soldiers of Iowa voted on this question of the adoption of the State constitution in Nebraska, and they were not mustered out of the service and paid until the 1st of July this year. These are the facts for which Captain Lowry, a captain of the regiment, vouches; and there is no doubt about the truth of them; and I hold myself responsible

<sup>24</sup> History of Nebraska, volume I, pages 533, 534.



for the truth of them. And on these facts I insist that this Committee on Territories, or some other committee of this body, shall investigate the facts as to the validity of this election by which it is pretended that this constitution has been adopted by the people of Nebraska.

Senator Kirkwood, of Iowa, who had declared, "I feel very sure that Iowa had not a soldier in Nebraska last June when this vote was taken," now pleaded, in confession and avoidance, that their numbers must have been very small anyway.<sup>25</sup>

It was alleged by Republicans that the vote of Rock Bluffs precinct was padded, and the *Daily State Journal*, January 25, 1880, alleged that prior to 1866 Republicans had always cast between 80 and 90 votes and the Democrats about 18 in this precinct, and that at the next election after 1866 a like division of votes occurred. Unfortunately the Cass county records, which alone would disclose the facts as to the relative votes in question, cannot be found, and so this once very disturbing question will remain vexed between two contradictory partisan contentions. It is significant, however, that this material statement by the *Journal* does not appear to have been thought of at the time of the contest. It was reasonably safe to venture it after the lapse of fourteen years. The *Omaha Republican*—October 16, 1867—said that Rock Bluffs precinct, "formerly the political Sodom of Cass county, is very nearly redeemed from its heresy. The copperhead majority has dwindled down to seven . . ."—in company with all the Democratic counties, which had gone Republican this year, Sarpy excepted. This statement, so near the time of the trouble, implies that prior to the year 1867 Democratic majorities were large

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<sup>25</sup> Congressional Globe, first session thirty-ninth Congress, pages 4211, 4212.

in Rock Bluffs, and it completely discredits the statement of the Journal.<sup>26</sup>

In the contest proceedings in Cass county it had been stipulated that the testimony taken in the case of Cooper against Hanna should be used in the other contest for a seat in the Senate and in the contest over seats in the House of Representatives. It is said that by accident or oversight this stipulation was not placed on file, though it appears that it was at least verbally agreed to. The reports of the several committees of the legislature show that they took advantage of this technical irregularity, and five of the six contested seats were awarded to the Republicans without consideration of the facts.<sup>27</sup>

#### THE ADMISSION BILL IN THE SENATE.

Benjamin F. Wade, of Ohio, introduced in the Senate, by unanimous consent, July 23, 1866, a bill (S. No. 447) for the admission of Nebraska into the Union.<sup>28</sup> The bill, with a copy of the constitution, was then referred to the committee on territories of which Senator Wade was chairman. From first to last he was its indefati-

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<sup>26</sup> History of Nebraska, volume III, page 5, footnote 4.

<sup>27</sup> Ibid., volume I, pages 529, 536.

In a letter to me, dated March 28, 1904, Mr. Hiram D. Hathaway, Republican member of the House in the legislature in question, and afterward for many years business manager of the *Nebraska State Journal* relates that he and his colleagues from Cass county agreed to vote for adjournment without electing United States senators, which was the sole business of the session; but two of the four members of the House broke the compact and the object of the session was accomplished. (Ibid., page 536, note 2.)

<sup>28</sup> Congressional Globe, first session thirty-ninth Congress, page 4044. John M. Thayer carried a copy of the constitution with him to Washington, when he went to claim a seat in the senate, and presented it to Senator Wade. (History of Nebraska, volume I, page 568, footnote 2.)

gable champion intent upon the simple and single object of gaining another Republican state. But because a very few senators, most notably Sumner and Edmunds, demanded that Congress should arbitrarily add to the constitution a grant of negro suffrage bedlam broke loose. On the twenty-seventh Sumner began the trouble by objecting to consideration of the bill late in the day. "The question involved in the admission of Nebraska," he said, "is the very question that came up and was discussed so thoroughly in regard to Colorado. It occupied then . . . many days, and we have not yet reached the conclusion of it."<sup>29</sup> Though the objection was overruled by a vote of 24 to 9, such strong Republican senators as Edmunds, Foster, president *pro tempore*, and Morgan voted with the implacable Sumner, who then urged that the measure was premature because the population was too small to support a state and the people were indifferent about it as shown by the slender majority by which they had adopted the constitution; but chiefly because the constitution was not republican in form:

I challenge the deliberate judgment of my excellent friend, the senator from Ohio . . . to show that a constitution which on its face disqualifies citizens on account of color and disfranchises them can be republican in form . . . I wish that my friend could lift himself to the argument that such a government cannot be republican in form, and must not be welcomed as such on this floor.<sup>30</sup>

But Wade was too scant an idealist and too intent on winning to scale the lofty transcendental heights to which Sumner rose, "above them all by his great looks and power imperial." So he confessed and avoided. He

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<sup>29</sup> Congressional Globe, first session thirty-ninth Congress, page 4205.

<sup>30</sup> Ibid., 4207.



would like to have the constitution Sumner's way, but after all it was such a little thing to balk at—those probably less than “fifty colored persons in the whole Territory.” Moreover, “no new State has yet knocked at our doors with a constitution admitting colored people to the franchise—not one.” Sumner's amendment prohibiting denial of franchise on account of race or color, offered the same day, was supported only by Edmunds, Fessenden, Morgan and Poland besides himself—all New England Republicans except Morgan. Immediately after this defeat the bill was passed with the white restriction by a vote of 34 to 18. Doolittle, of Wisconsin, Foster, of Connecticut, and Harris, of New York, joined the five other Republicans named and ten Democrats against the bill.<sup>31</sup> The bill passed the House the same day after an unsuccessful attempt by Kelley, of Pennsylvania, to insert a negro suffrage clause.<sup>32</sup>

In the Senate Doolittle quoted the enabling act authorizing the governor to prescribe an election of delegates to a constitutional convention and also authorizing the people “to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe.” Thomas A. Hendricks of Indiana joined the Wisconsin senator in insisting that the proceedings of forming the constitution were not held under the enabling act; “Because,” Mr. Doolittle contended, “the Legislature of the Territory had no power to order any such election until they were first authorized by Congress to do so, because in Congress under the Constitution is the legislative power which controls this matter.” The en-

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<sup>31</sup> Ibid., 4222.

<sup>32</sup> Ibid., 4275-6.

abling act prescribed that a convention should be held in 1864 and that the vote on the constitution should be taken on the second Tuesday in October, 1864.<sup>33</sup> Wade contended that an enabling act was not necessary and that the one in question had become *functus officio*. Sumner had taken the same ground in the Colorado case.

The Congress adjourned July 28, the next day after the passage of the admission bill; consequently, under a provision of the constitution which allows the president ten days within which to return bills, with his approval or disapproval, President Johnson had only to withhold this one to defeat it.<sup>34</sup> This procedure is commonly called a "pocket veto." The president had formally vetoed the Colorado bill—May 15, 1866—thereby delaying the admission of that territory until 1876. Senator Hendricks moved to consider the veto, but Wade, fearing defeat, wanted it "to lie a while." The Senate was "very thin," he said. Through Wade, consideration was made a special order for May 29, but it was not reached.

On the fifth of December, 1866, the third day of the second session of the thirty-ninth Congress, Senator Wade again introduced a bill (Senate file No. 456) for the admission of Nebraska as a state; December 14 Senator B. Gratz Brown, of Missouri, who became a candidate for vice president of the United States on the Liberal Republican, or Greeley, ticket in 1872, offered the following amendment:

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<sup>33</sup> Ibid., 4209-10.

<sup>34</sup> "If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law." (Constitution of the United States, article I, section 7; Congressional Globe, first session thirty-ninth Congress, page 2713.

*Provided*, That this act shall not take effect except upon the fundamental condition that within the State there shall be no denial of the elective franchise or of any other right on account of color or race, but all persons shall be equal before the law; and the people of the Territory shall, by a majority of the voters thereof, at such places and under such regulations as shall be prescribed by the Governor thereof, declare their assent to this fundamental condition. The Governor shall transmit to the President of the United States an authentic statement of such assent whenever the same shall be given, upon the receipt whereof, he shall, by proclamation, announce the fact, whereupon without any further proceedings on the part of Congress this act shall take effect.<sup>35</sup>

This amendment was an original conception of Charles Sumner's, with only a slight change of verbiage. He had offered it as an amendment to the Colorado bill, March 12, 1866.<sup>36</sup> He did not propose any amendment to the Nebraska bill. On December 19 Senator Wilson, of Massachusetts, moved to strike out all of the Brown amendment after the word color and substitute the following:

And upon the further fundamental condition that the Legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act, upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State, and whereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. Said State Legislature shall be convened by the territorial Governor within thirty days after the passage of this act.

On the preceding day Senator Doolittle had declared that the amendment proposed by Brown "would confer

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<sup>35</sup> Congressional Globe, second session thirty-ninth Congress, page 125.

<sup>36</sup> Ibid., first session thirty-ninth Congress, page 1329.



the right of suffrage on every Indian in Nebraska,"<sup>37</sup> so to meet this objection Senator Williams, of Oregon, suggested to Wilson that he insert "excepting Indians not taxed" in his amendment, after the word color.<sup>38</sup> This amendment was accepted, and it was retained in the bill on its final passage. In derision of this proposed grant of power to the legislature to amend the constitution, which had been adopted by a vote of the people, without their consent, Senator Cowan, of Pennsylvania, who had been elected as the candidate of "the people's party," introduced an amendment declaring that

. . . the said State of Nebraska shall not hereafter claim nor be taken to have power or authority to convert the citizens of said State into foreigners or alien enemies, so that they may as a consequence of crime be held or considered as such.<sup>39</sup>

There was a fundamental difference between Sumner's proposed "fundamental condition" and Wilson's. The one democratically provided that the suffrage amendment should be submitted to popular vote as the original constitution had been submitted; the other that it should be submitted to the legislature. Wade opposed the amendment and Sumner wished to get it out of the way of a direct vote upon the Brown amendment; accordingly it was rejected without a roll call.<sup>40</sup> Thereupon Edmunds offered a substitute for the Brown amendment which arbitrarily added an amendment to the constitution without reference to people or legislature:

*And be it further enacted, That this act shall take effect with the fundamental and perpetual condition that within said State of Nebraska there shall be no abridgment or denial of*

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<sup>37</sup> Ibid., second session thirty-ninth Congress, pages 190, 169.

<sup>38</sup> Ibid., page 191.

<sup>39</sup> Ibid., page 196.

<sup>40</sup> Ibid., page 328.

the exercise of the elective franchise, or of any other right to any person by reason of race or color, excepting Indians not taxed.<sup>41</sup>

This despotic substitute was rejected by a vote of 15 to 17, such dominant Republicans as Dixon, Fessenden, Foster, Grimes, Howard, Howe, Morgan, and Sumner voting nay. Edmunds, Morrill, and Wade voted aye. Then the Brown amendment was rejected, 8 to 24, only Cowan, Edmunds, Fessenden, Grimes, Howe, Morgan, Poland, and Sumner, all Republicans except Cowan, a near-Republican, voting aye. Thereupon Edmunds offered his substitute as an additional section to the bill, and it was adopted, 20 to 18. Here Sumner inconsistently voted aye, his obsession on the subject of negro suffrage overcoming his preferred democratic method of obtaining it. Wade also voted aye, evidently because it now seemed that way lay success. But Cowan, Doolittle, Foster, Grimes, Howard, Howe, and Morgan were among the Republicans who still held their rudder true to a broad democratic conviction. The bill was then passed, 24 to 15, the Republicans just named, excepting Howard, who went over to the majority, voting nay. Senator John Sherman excused his affirmative vote on the ground that although he was in favor of admitting Nebraska without any qualification, the friends of the measure thought the Edmunds amendment would strengthen it, and he believed it "entirely nugatory" anyway.<sup>42</sup> So in this form the bill went to the House; but there the Wilson compromise between Sumner's democratic, and the Edmunds arbitrary condition was forced upon the Senate.

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<sup>41</sup> Ibid., page 332.

<sup>42</sup> Ibid., pages 359, 360.

Senator Edmunds on the one side and Senators Howe and Johnson on the other were the most conspicuous disputants of the fundamental condition question. Edmunds radically contended that if Nebraska should refuse to accept such conditions of admission as the Congress might impose it would remain a territory, or if its senators had been admitted they might be expelled and the incipient state be dissolved into the territorial status.<sup>43</sup> Howe retorted that if thus to tie up a state without the power to amend the constitution so as to change the condition imposed by Congress, was not a snap game "it looks the most like it of anything I ever saw in my life." Reverdy Johnson's arguments against the imposition of the fundamental condition and in particular against the extreme Edmunds doctrine were certainly the most brilliant and perhaps the ablest that were adduced in the great debate. Earlier in the contest, March 13, 1866, Wade had argued against the admission of Colorado because its population was insufficient. He said that there was always a tendency to bring in territories before the real interests of the people required it. Trumbull then taunted him for his hot and cold inconsistencies, pointing out that Wade had insisted that Colorado contained sufficient population for statehood when he pressed the enabling act of 1864.<sup>44</sup>

On January 7, 1867, Howe explained that "in the course of the last session . . . I really thought that we had not the power, this Union, this Republican this loyal party of the country and its Representatives had not the power to enact a law without the assent of the

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<sup>43</sup> Congressional Globe, second session thirty-ninth Congress, page 338.

<sup>44</sup> Ibid., first session thirty-ninth Congress, pages 1357-1359.



President, and his assent we could not get.” And hence he “began to look about for reinforcements,” and though he at first voted against the admission of Colorado because the right of negroes to vote was denied in its constitution, “as it is denied in the constitution of Nebraska,” yet “the necessity resting upon me finally induced me to vote for the admission of Colorado.” But now, he says, “that emergency has passed by.” Thanks to the unlooked for New Jersey savior, “the vetoes of the president have no sort of influence. . . We have two-thirds of both houses assured men. We can do business by ourselves and as it ought to be done. What do we want of any more votes?” Which was tantamount to saying that he could afford again to stand by his convictions and refuse to “insert a clause in the constitution of Nebraska or any other incoming State” or to “override a clause in their constitution.”<sup>45</sup>

Senators Cowan and Johnson warned their colleagues of the East against the danger to the protective tariff system which might result from the admission of the proposed purely agricultural western states. On December 18, 1866, Senator Cowan said

Now, what would you think, sir, if the whole system of protection and non-protection, of free-trade or the American system, were to be put into the balances and the protective system should kick the beam because the Senators from Nebraska were thrown in? . . . What would Pennsylvania say to that? What would Ohio say to that? What would all the protective States say to that? And yet that may be. It is very well known here that many gentlemen from the western States—I do not quarrel with them, I do not think hard of them—are free-traders. They are opposed to protection because they conceive it to be a hardship upon them as they are agricultural

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<sup>45</sup> Ibid., second session thirty-ninth Congress, page 317. The meaning of the senator's reference to the New Jersey savior is explained in footnote 7, page 371, this volume.

States, and they will resist it. Will Nebraska be with them, or will it be with the Atlantic states?

On the next day, in discussing this phase of the question, Mr. Johnson said:

Political economists themselves are at variance on that subject; but all unite in saying that to a certain extent, at least, the finality is that the consumer pays the amount of the tax, either wholly or partially. The western States which we have already admitted, are, if we can judge from the signs of the times, under that impression; and just as you increase them will that impression be increased, and just as you increase them will it be in their power to strike at the system to which you in your States are so much indebted for the property which you now enjoy.<sup>46</sup>

Owing to other obvious relations and influences, the new agricultural states of the West long remained strongly affiliated with the protection party; but scrutiny of the votes upon the Underwood tariff reduction act of 1913 and, I think, an intelligent analysis of the complex causes of the slide of this western section to Wilson, in 1916, illustrates the clear foresight of the senators just quoted.

In his studied answer to Johnson's speech Senator Howe expatiated upon the great prosperity of the West, but evaded the main point made by the Maryland senator.

Samuel S. Cox, better known as "Sunset," a veteran and famous member of the House of Representatives, characterized these two senators in very interesting fashion:

The leading contestants in this debate . . . were two Senators of very different types. The senator from Wisconsin, Timothy O. Howe, was a man of the New England style. He was born in Livermore, Maine, and was an admirable judge—less advocate than judge. He was slow in speech and almost

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<sup>46</sup> Ibid., pages 168, 187.

melancholy in manner. He seemed to be fatigued at the end of every sentence. He was of the same type of the *genus homo* as William H. Seward and Simon Cameron. He was tall and thin, pallid as death, and immobile in his restful and unimpassioned habitudes. How unlike the sturdy and fervid Marylander, Reverdy Johnson, who so triumphantly replied to his dialectics. The willowy, dilatory mode of the one was in contrast with the sturdy robustness of the other. The voice of Senator Howe was not resonant. He spoke as if he were exhausted. Reverdy Johnson's elocution, albeit trained in the solemn hush and reclusiveness of the Supreme Court, was loud, orotund, and defiant. What a venerable English form the latter had; what a peculiar eye, which in after years became sightless; what an expressive mouth and form . . . Other men have been more praised than Timothy O. Howe . . . but other men never deserved more encomium than he from his side in this great argument. But when the Maryland senator brought his interrogative skill into the arena, his rapier pierced the heart of the contention at every thrust. The parrying of the Wisconsin senator was adroit, but the cunning of fence and the courage of conviction of the Marylander were resistless.<sup>47</sup>

Timothy Otis Howe was senator for three successive terms, during the whole troubled war and reconstruction period—from 1861 to 1879. In his second term he was overshadowed by his leonine colleague, Matthew Hale Carpenter, who defeated him in his contest for a fourth term. Senator Howe was regarded as smart rather than profound. It was my fortune, as editor of the Mineral Point (Wisconsin) *Democrat*, to oppose his political precepts. Owing to my sincere conviction, stimulated by the ardency of youth, that reform of Republican policies and shortcomings was necessary, my opposition was a pleasure as well as a duty. The senator's speeches were adroit and for that strongly partisan period effective. His manner was marred by a New England twang and mal-pronunciation. In 1880 he acted with what would now be called the standpat faction of his

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<sup>47</sup> Three Decades of Federal Legislation, page 354.



party for the nomination of General Grant for a third term of the presidency. He was rewarded by President Arthur with the office of postmaster-general.

The debate adverted to by Mr. Cox was over the reconstruction policy, with which the admission of Nebraska was involved. Lincoln and Seward held that the seceding states did not succeed in getting out of the Union, therefore all that was necessary for them to do toward rehabilitation was to change their constitutions in conformity with the conditions made by the war and choose members of Congress. Andrew Johnson adopted this theory when he became president. Their radical opponents held that the former states had been resolved into quasi territories and could be made states only on the terms prescribed by Congress.

James Rood Doolittle, the other Wisconsin senator, also played a very important part in this great political game. Though recognized as an able lawyer, his mind was not as alert as his colleague's. His style of speaking was ponderous but engagingly relieved by a rich bass voice. In 1871 he had reëntered the Democratic fold, from which he withdrew to become a "Democratic Republican" upon the issues resulting from secession and war, and in that year he was the Democratic candidate for the office of governor of Wisconsin.

The generous critic of Johnson and Howe said that Wade "was of rugged, fierce and vindictive feeling."<sup>48</sup> Wade's implacability and singleness of purpose impelled him to oppose Lincoln's reëlection because the president had opposed his policy of reconstruction. Under the leadership of the extreme radical coterie, Stevens, Chandler, and Wade, seats were denied to members of Con-

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<sup>48</sup> Ibid., page 88.

gress from seceding states—notably Arkansas and Louisiana—which had adopted Lincoln's liberal method of reconstruction; and under the same leadership a bill was passed prescribing the method of reconstruction, especially designed to balk Lincoln's plan. The great president's last important public act was the veto of that bill, and he died in this foretaste of defeat. In this aspect of his career, his taking off may well have been timely, and even merciful.

#### THE ADMISSION BILL IN THE HOUSE.

The passage of the bill in the House was as stormy as it had been in the Senate, but much briefer. On January 10, Mr. Ashley announced that the committee on the territories had unanimously directed him to move that the bill be put upon its passage; whereupon James A. Garfield interposed that he was "unwilling to pass, without debate or examination, a bill containing a provision which, if it have any legal effect at all, may become a very troublesome precedent hereafter." The distinguished member referred, of course, to the fundamental condition.

James F. Wilson, of Iowa, who afterward became a senator, deprecated hasty action:

We have just passed a bill securing to all male citizens of the United States within the Territories the right of suffrage, without distinction of race or color.<sup>49</sup> It is now proposed to pass a bill accepting a constitution for a State government which expressly disfranchises the persons we have just declared by our votes shall be enfranchised . . .

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<sup>49</sup> Congressional Globe, second session thirty-ninth Congress, page 399. This act became a law January 25, 1867, without the approval of President Johnson who withheld it beyond the time provided by the constitution for its return. (U. S. Statutes at Large, volume XIV, page 379.)

Mr. Dawes, of Massachusetts, asked Wilson to address himself to the question, "whether upon the refusal to perform this condition subsequent Nebraska is any longer a State" and "whether a condition subsequent can be attached at all to the admission." Mr. Wilson promptly replied: "I have no doubt that this provision would have no effect whatever." The intimation by Mr. Dawes that the refusal of the state to accept the condition might resolve it again into a territory was perhaps based upon the positive opinion of Senator Edmunds expressed in the Senate.

On January 14 the debate was continued with great vigor. James G. Blaine opposed the condition with characteristic force:

Now, for myself, there is one thing I have a great prejudice against, and that is being duped and humbugged. If gentlemen wish to admit Nebraska here without any condition at all, just as States have been admitted heretofore, leaving the question of suffrage to be settled by that State in its own legislative or constitutional convention, I can understand it. That is a fair, square, and manly proposition. If, on the other hand, you mean to say that Nebraska shall be admitted on this condition only, and that you will exact her concession to it, I can understand it. But to dodge between the two positions, to say, upon the one side, that this provision effects the object, and then turn round and say to the other side that it does no harm because it is a mere *placebo* to certain prejudices here, I confess I think it disgraceful legislation; and I have not heard any gentleman here say that he has any confidence that this amendment will amount to anything as a legal and binding condition on the people of Nebraska. . .

John A. Bingham, of Ohio, declared that the prescribed condition was "repugnant, in every sense of the word, to the first section of the bill and the preamble." The preamble recited that "the people of Nebraska have adopted a constitution . . ." and the first section declared "the constitution and State government which the people of Nebraska have formed for themselves . . . is



hereby accepted, ratified, and confirmed . . .” The proposed condition, he said, “has no more validity than so much blank paper”; it was “void and an attempted usurpation . . .”

Mr. Dawes strenuously opposed the condition and asked Ashley for permission to amend the act so as to allow the people to accept or reject; but Ashley denied the request.

Morrill, of Vermont, opposed the act for the same reason and also because the population of the proposed state was insufficient. He believed that it was not over 40,000.<sup>50</sup> The best available data show that it was about 50,000 at the time of admission, rather less than more than that number.

The next day, January 15, George S. Boutwell, of Massachusetts, offered a substitute for the Edmunds amendment which had been accepted by the Senate, and, with a slight change of verbiage, it became a part of the act as it was finally passed. Mr. Boutwell's preference for his substitute was rather deviously expressed, but it was apparently predicated upon the assumption that there would be less fuss made about the halfway concession of the right of the people to make their constitution than would be made about the Edmunds flat denial of it.

Robert S. Hale, Republican, of New York, savagely attacked Boutwell's position:

But it seems to me preposterous to claim that a State of this Union, which limits or restricts the right of suffrage in the manner and to the extent which the almost universal and unbroken practice of the States and of the Federal Government from the adoption of the Constitution has sanctioned, is not a

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<sup>50</sup> Congressional Globe, second session thirty-ninth Congress, pages 449-454.

republican form of government within the meaning of the Constitution . . . Is that a republican form of government, according to his theory, in which one hundred male citizens of full age may vote, and one hundred female citizens of equal intelligence and equal qualification in every other respect cannot vote? . . . this whole question ought to remain where the Constitution puts it, in the control of the States themselves and not of the Federal Government.

The present spectacle of woman suffrage in twelve states gives greatly increased force to this last illustration.

Columbus Delano, of Ohio, argued along the same lines against the fundamental condition. William B. Allison, of Iowa, departed from his characteristic egg-shell course positively to defend the measure, and Garfield reluctantly came to its support. Indeed these two were the only eminent Republicans in the House, unless we include the erratic Thaddeus Stevens, who did approve it.

The amendment was adopted, 87 to 70, and then the bill was passed, 103 to 55. Bingham was the only Republican of marked prominence who held out against it. Blaine, Dawes, Garfield and Wilson were apparently appeased by the Boutwell compromise.<sup>51</sup> On the next day, January 16, the amendment was accepted by the Senate, 28 to 14. Five Republicans—Dixon, of Connecticut, Doolittle, Edmunds, Foster, and Harris, and two near-Republicans, Cowan and Reverdy Johnson, voted nay. Senator Johnson had warmly supported Lincoln's administration and especially his reconstruction policy. Grimes, Howard, Kirkwood, Morgan and Sumner fell into the party line on the general question.<sup>52</sup> President Johnson vetoed the bill January 29, on the ground that the fundamental condition was unconstitutional, and he

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<sup>51</sup> Ibid., pages 472-481.

<sup>52</sup> Ibid., page 487.

suggested that it ought to be submitted to a vote of the people—the Sumner doctrine. The veto was couched in admirable temper. On the eighth of February the Senate passed the bill over the veto, 31 to 9. Its opponents were Charles R. Buckalew, of Pennsylvania; Garrett Davis, of Kentucky; James R. Doolittle, of Wisconsin; Lafayette S. Foster, of Connecticut; Thomas A. Hendricks, of Indiana; Edwin D. Morgan, of New York; Daniel S. Norton, of Minnesota; David T. Patterson, of Tennessee; and Willard Saulsbury, of Delaware. Four of these—Doolittle, Foster, Morgan and Norton—were Republicans, though Norton was a waverer. Foster was president of the Senate. All the rest of the restive Republicans and near-Republicans, except Cowan, Dixon, Edmunds, and Johnson, who were absent, voted aye.<sup>53</sup> The next day the bill passed the House, 120 to 43. None of the eminent Republican members voted against it, but Bingham, Conkling, Hale, and Elihu B. Washburne are recorded as not voting.<sup>54</sup>

So Sumner had his way.

Consideration of Sumner's entire political career recalls Robertson's famous eulogy of Pitt:

The Secretary stood alone. Modern degeneracy had not reached him. Original and unaccommodating, the features of his character had the hardihood of antiquity. No state chicanery, no narrow system of vicious politics, no idle contest for ministerial victories sunk him to the vulgar level of the great . . .

Soon after the assault on Sumner James Freeman Clarke and John Brown, the anti-slavery revolutionist, happened to visit the senator together in his bedroom. Sumner informed Brown that the coat he wore at the

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<sup>53</sup> Ibid., page 1096.

<sup>54</sup> Ibid., page 1121.



time of the tragedy was hanging in an adjoining closet. Brown brought it out for inspection and found that the collar was stiffened with blood. Mr. Clarke, in relating the incident, said that Brown touched the garment with the greatest reverence, "as a Roman Catholic might do homage to the relic of a saint." Senator Sumner was one of the first eminent Republicans to resent the party despotism which prevailed for a long time after the Civil War. Meeting Mr. Clarke soon after he uttered his daring declaration of the "divine right to bolt," Sumner said to him: "You have in those words cleared the air from Maine to Georgia."

But the inexorable verity of public opinion ultimately shapes our ends rough hew them how we will; and judged by its verdict it is not severe to say that Sumner's insistence on negro suffrage was fanatical. In an address to the Union League Club, of New York city, in the spring of 1903, Elihu Root, commonly conceded to be the preëminent statesman among present Republicans, pronounced the fifteenth amendment to the constitution a failure. On April 22, of the same year, in a lecture at Yale University, President Hadley said that the North had made a great mistake in giving the ballot to the negro before he was fitted for it:

It was not the fault of the negro; it was the fault of those who gave him the ballot without previous preparation. The North did not recognize this at the close of the war. It had recognized the dictum that all men are born free and equal. When the North recognized the conditions which prevailed in the South it acquiesced in the suppression of the negro vote.

Mr. Henry Watterson, editor of the Louisville Courier-Journal, doubtless understands the status of the negroes in the South more clearly and acutely than anyone else. Soon after the opinions adverted to had been ex-

pressed, the Hamilton Club, the conservative Republican organization of Chicago, heard without dissent a discussion of this vexatious question by the eminent editor in part as follows:

After thirty years of observation, experience and reflection—always directed from a sympathetic point of view—I am forced to agree with the secretary of war that negro suffrage is a failure. It is a failure because the southern blacks are not equal to it. It is a failure because the southern whites will not have it.

Common public opinion, both North and South, regards any change of this condition, however deplorable, as impracticable, and so this drifting policy must needs be continued for an indefinite time.

The state legislature which had been elected in the fall of 1866 convened in special session, February 20, 1867, in response to the proclamation of Governor Saunders issued on the fourteenth of that month, for the purpose of complying with the conditions imposed by the act of Congress. The Senate was composed of eight Republicans and five Democrats, and the House of Representatives of thirty Republicans and nine Democrats. Each of the houses at once introduced a bill accepting the conditions for admission prescribed by the act of Congress. In the Senate the bill was referred after the second reading to a special committee consisting of Doom of Cass county, Hascall of Douglas, and Reeves of Otoe. Doom and Haseall reported, after a recess of ten minutes, in favor of the passage of the bill. Reeves moved to adjourn for a day so that he might have time to make a minority report; but the motion was defeated by a vote of 3 to 7. The bill then passed by a like vote, Freeman of Kearney county and Reeves and Wardell of Otoe county voting in the negative. When the Senate bill was sent to the House it was at once read the requisite three times under suspension of the rules and passed by a vote of 20 to 6. Those voting in the negative were Crawford and Trumble of Sarpy county, Dunham of Douglas, and Graves, Harvey, and Rolfe of Otoe. On the twenty-first the houses agreed on a joint resolution to send a copy of the act to the president and also one to

John M. Thayer, who had been elected United States senator, and then adjourned.<sup>55</sup>

On the first of March President Johnson, as directed by the enabling act, issued a proclamation declaring that Nebraska had become a state. Shortly before his death General John M. Thayer informed me that he presented to the president a certified copy of the act of the legislature accepting the fundamental condition, and he added:

He issued his proclamation, in accordance with the directions of the law, declaring Nebraska a state of the Union. This last act on his part was performed without hesitation, though reluctantly, for he was threatened with impeachment, and he did not want any more senators admitted to the Senate who would sit upon his trial.<sup>56</sup>

#### GEOGRAPHICAL NEBRASKA.

The original territory of Nebraska comprised 351,558 square miles. Out of this vast domain there has been carved the great state of Nebraska now comprising 76,808 square miles; 16,035 of the 104,500 square miles contained in Colorado; 68,972 of the 150,932 square miles contained in the states of South Dakota and North Dakota—all west of the Missouri River; 74,287 of the 97,883 square miles contained in the state of Wyoming; and 116,269 of the 143,776 square miles comprising the state of Montana. Dakota territory, organized by act of March 2, 1861, took all that part of Nebraska territory north of the forty-third parallel, except the strip between the Keya Paha and the Niobrara rivers, which was added to the state of Nebraska in 1882. When Idaho territory was organized in 1863 it took all the part of the original territory of Nebraska lying west of the twenty-seventh

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<sup>55</sup> History of Nebraska, volume I, page 570.

<sup>56</sup> Ibid., page 568, footnote 2.



meridian, now the western boundary of the state, and north of the forty-first parallel, the present boundary line between Colorado and Wyoming. That part lying north of the forty-third parallel was taken from Dakota. But before Idaho became a state it relinquished all the territory lying east of the Rocky mountains to Dakota and Montana. So Idaho was only a temporary cismontane trespasser.

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